



# LAKE SAINT LOUIS DEVELOPMENT CODE UPDATE



**PUBLIC DRAFT**

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## Chapter 400 General Provisions

### Article I Overview

#### Section 400.000 Title

- A. Title IV, Chapters 400 through 430 of the Lake Saint Louis Municipal Code shall be officially known and cited as the “Lake Saint Louis Development Code,” and are referred to herein as “this Code,” or “these regulations.” References to “zoning regulations,” “subdivision regulations,” “sign regulations,” or similar may be interpreted as references to specific parts of this Code.

#### Section 400.010 Effective Date

- A. This Code was adopted by the Board of Aldermen by Ordinance XXX and became effective on XXX.

#### Section 400.020 Intent and Purpose

- A. It is the intent and purpose of this Code to promote the public health, safety, morals and general welfare of the City of Lake Saint Louis and to implement the policies, goals, and strategies adopted by the City, including those set forth in the City’s Comprehensive Plan.
- B. More specifically, this Code has the following general purposes:
1. Promote orderly, efficient, and integrated development within the City;
  2. Provide for a variety of housing and neighborhood types and densities at a range of housing costs;
  3. Regulate the development and use of land based upon the impact of such development or use on surrounding areas or the City;
  4. Provide minimum standards for the design and improvement of land, subdivision, and development to ensure that each building site is capable of accommodating a structure devoted to the intended use of the land; and
  5. Ensure equitable processing of development proposals by providing uniform procedures and standards.

#### Section 400.030 Authority

- A. Provisions set forth in this Code have been prepared in accordance with the authority granted by the General Assembly of the State of Missouri as provided in Chapter 89, RSMo., as amended.

#### Section 400.040 Applicability and Conflicting Provisions

- A. This Code shall apply to all land, buildings, structures, and uses in the corporate limits of the City of Lake Saint Louis, Missouri including any land added to the corporate limits after such land has been legally annexed or consolidated.
- B. If the provisions of this Code are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

- C. If the provisions of this Code are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.
- D. This Code is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. The provisions of this Code will control whether they impose a greater or lesser restriction than imposed by a private agreement. The City does not enforce or maintain a record of private agreements.

#### **Section 400.050 Compliance Required**

- A. No permit or approval that is subject to this Code shall be issued or granted by any department, agency, City official, or City employee without a finding of compliance with this Code by the appropriate decision-making authority.
- B. Unless otherwise stated in this Code, no building or structure shall be erected, converted, enlarged, reconstructed, or altered without a determination of substantial compliance with this Code; and, no land shall be used except for a purpose permitted in the zoning district in which it is located.
- C. Whenever any subdivision of land or adjustment of property boundaries is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the property owner, or his/her authorized agent, shall apply for and secure approval of such proposed plat in accordance with the procedures of this Code.

#### **Section 400.060 Separability**

- A. If any court of competent and final jurisdiction declares any part of this Code to be invalid, that ruling shall not affect any other provisions of this Code not specifically included in that ruling.
- B. If any court of competent and final jurisdiction declares that the application of this Code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or projects with different circumstances.
- C. No provision of this Code shall enable any circumstance which is unlawful under superseding federal or state law.
- D. If any section, subsection, sentence, clause, phrase, or portion of this Code is now, or in the future, superseded or preempted by state or federal law, or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

#### **Section 400.070 Transition from Prior Regulations**

- A. Development Approvals
  - 1. Any development approved under regulations in effect prior to the effective date of this Code may be carried out under the terms and conditions of the approval and the requirements in effect at the time of approval, provided the approval has not expired.

2. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.
- B. Pending Applications
1. Applications that have been deemed complete prior to the effective date of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant.
  2. Applications that were not deemed complete prior to the effective date of this Code shall be subject to the procedures and regulations of this Code.
- C. Prior Violations.
1. If a development or activity in violation of the prior development regulations fully complies with this Code, it shall no longer be deemed a violation.
  2. Unpaid fees and/or penalties accrued under the previous regulations are still valid and remain the responsibility of the violator under the previous regulations.

## Article II Review and Decision-Making Bodies and Officials

### Section 400.080 City Staff

- A. Community Development Director
1. The Community Development Director (or his/her designee) is responsible for the administration, interpretation and enforcement of this Code.
  2. The Community Development Director shall have the review and decision-making responsibilities identified in **Table 405.010**, *Summary Table of Application Procedures*, and elsewhere in this Code and shall serve as staff liaison to the Planning and Zoning Commission and Board of Adjustment.
- B. Public Works Director
1. The Public Works Director (or his/her designee) is responsible for the interpretation of the engineering design, construction, operation and maintenance of public improvements specified under these regulations.
  2. The Public Works Director shall advise the Community Development Director on any technical specifications and engineering designs and may make any final administrative decisions authorized under the procedures and standards of these regulations.
- C. Building Official.
1. The Building Official (or his/her designee) is hereby authorized and directed to enforce the Comprehensive Building Code of the City of Lake Saint Louis, Missouri as defined in **Section 500.010.A.1** of the Municipal Code, *Building Code and Permit*, to issue all permits and to execute all inspections required or regulated by the Comprehensive Building Code; to collect all fees for permits and inspections according to the adopted fee schedule; and to perform all other duties necessary to carry out the intent and purpose of the City's Comprehensive Building Code.

**Commented [PN1]:** The Architectural Review Board (ARB) and Development Review Board (DRB) have been eliminated based on feedback from the development community, applicants, City staff and elected officials.

D. City Administrator

1. The City Administrator has the powers and duties as established in **Chapter 115, Article IV** of the Municipal Code, *City Administrator*.

**Section 400.090 Planning and Zoning Commission**

A. Establishment

1. The establishment of the Planning and Zoning Commission to serve as an advisory body to the Board of Aldermen on planning and zoning matters is hereby authorized as provided in Sections 89.070 and 89.320, RSMo., as amended.

B. Composition

1. The Planning and Zoning Commission shall consist of nine members who shall serve without compensation and shall include the Mayor, if the Mayor chooses to be a member, a member of the Board of Aldermen selected by the Board of Aldermen, if the Board of Aldermen chooses to have a member serve on the Planning and Zoning Commission, and seven residents of the City appointed by the Mayor and approved by the Board of Aldermen.

C. Terms

1. The term of each citizen member shall be for four years.
2. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

D. Vacancy

1. Any vacancy in a membership shall be filled for the unexpired term by appointment under the same process as new appointments.

E. Chairman and Staff

1. The Planning and Zoning Commission shall elect its Chairperson annually from among the citizen members and shall consult with city employees as necessary for its work. Subject to approval by the Board of Aldermen and appropriation of funds, the Commission may use the services of third party professionals as it deems necessary.

F. Meetings and Records

1. The commission shall hold regularly scheduled meetings and special meetings as provided by rule and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records unless otherwise closed pursuant to applicable law.

G. Powers and Duties.

1. In addition to other general authority authorized by law, the Planning and Zoning Commission shall have the specific review and decision-making authority identified in **Table 405.010, Summary Table of Application Procedures**.

**Section 400.100 Board of Aldermen**

- A. In addition to other general authority authorized by law and as specified in **Chapter 110, Article I** of the Municipal Code, *Board of Aldermen - Generally*, the Board of

Aldermen shall have the specific review and decision-making authority identified in **Table 405.010**, *Summary Table of Application Procedures*.

**Section 400.110 Board of Adjustment**

A. Establishment

1. The establishment of the Board of Adjustment is hereby authorized as provided in Sections 89.080 through 89.110, RSMo., as amended.

B. Composition

1. The Board of Adjustment shall consist of five members who shall be residents of the City of Lake Saint Louis and shall hold no other office or position in the City Government.
2. Members shall serve without compensation and shall be appointed by the Mayor with the approval of the Board of Aldermen.
3. Three alternate members shall also be appointed to serve in the absence of or disqualification of a regular member.
4. The regular members of the Board of Adjustment shall, from time to time, determine their own rules regarding a method of selecting which alternate members will be called upon.

C. Terms

1. The term of office of the regular members of the Board of Adjustment shall be for five years each and the term of the alternate members shall be for three years each.
2. All members shall be removable for cause by the Board of Aldermen upon written charges and after a public hearing.

D. Vacancy

1. Vacancies upon the Board shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as provided for the appointment of such member.

E. Chairman

1. The Board of Adjustment shall elect its own Chairman who shall serve for one year.

F. Meetings and Records.

1. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
2. Such Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses.
3. All meetings of the Board shall be open to the public unless otherwise closed pursuant to applicable law.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

5. All testimony, objections thereto and rulings thereon, shall be taken down by a court reporter and shall be transcribed by a court reporter upon request of the Board of Adjustment.
- G. Powers and Duties
1. In addition to other general authority authorized by law, the Board of Adjustment shall have the specific review and decision-making authority identified in **Table 405.010**, *Summary Table of Application Procedures*.

### **Article III Enforcement, Penalties and Fees**

#### **Section 400.120 Permits and Approvals**

- A. It shall be unlawful to conduct any development or use of land and buildings until all applicable development review and approval processes have been followed, all applicable standards have been applied, and all applicable approvals, permits or other authorizations have been issued.

#### **Section 400.130 Enforcement**

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of this Code or other regulation made under authority conferred hereby, the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- B. Such regulations shall be enforced by the Community Development Director, who is empowered to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this Code.
- C. The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including revoke or withhold any permits, prevent the sale or lease of property, correct or abate the nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions.
- D. The Community Development Director and his/her designees are authorized to inspect any building, structure, or premises in the City or perform any duty imposed upon him/her by these regulations. Any inspection conducted or other activity on private property shall only be undertaken with the consent of the owner or occupant of such property or a search warrant issued by a court of competent jurisdiction.

#### **Section 400.140 Penalties**

- A. The owner or other person in control of a building or premises where a violation of any provisions of this Code has been committed or shall exist, or the lessee or

tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, other person in control, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall, upon a plea or finding of guilt, be punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues, but if the offense be willful, the violation shall be punishable by a fine of not less than \$100.00 and up to the maximum amount under state law for each and every day that such violation shall continue.

#### **Section 400.150 Schedule of Fees, Charges and Expenses**

- A. The Board of Aldermen shall establish a schedule of fees, charges and expenses and a collection procedure for all matters pertaining to this Code. The schedule of fees shall be filed with the City Clerk and located in **Chapter 135, Article III** of the Municipal Code, *Fee Schedules*.
- B. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal provided by this Code.

### **Article IV Nonconformities**

#### **Section 400.160 Purpose**

- A. The purpose of this Article is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the effective date of this Code, but that no longer conform to the requirements of this Code.
- B. All such situations are collectively referred to in this Article as “nonconformities”.
- C. While nonconformities may continue, the provisions of this Article are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Code and achieve the goals of the City.

#### **Section 400.170 All Nonconformities**

- A. Authority to Continue
  - 1. Nonconformities may continue to be used, occupied and maintained subject to the requirements of this Article.
- B. Illegal Nonconformities
  - 1. Uses, buildings, structures, lots, site features, and signs that were not lawfully established prior to the effective date of this Code are considered illegal nonconformities and will not become legal by virtue of its enactment.
  - 2. Any use, building, structure site feature, or sign that is operated or constructed in a nonconforming manner without lawful authorization in accordance with provisions of this Code shall be deemed illegal nonconforming. All operation

**Commented [PN2]:** The Article is entirely new. The existing code only addresses nonconforming uses. The proposed code addresses nonconforming uses, structures, lots and site features.

and/or construction shall cease until such time as proper and required approvals and permits are obtained.

3. Illegal nonconformities must be immediately brought into compliance with all ordinances of the City.

C. Determination of Nonconforming Status

1. The burden of establishing existing nonconforming status shall rest with the owner of the property containing the nonconformity.

D. Maintenance and Repairs

1. Minor maintenance and repairs of nonconformities are permitted and encouraged provided that the repairs and maintenance do not increase the degree or intensity of the nonconformity. Minor maintenance and repairs include:
  - a. Maintenance and repairs necessary to update the interior or exterior appearance or to mitigate unsafe conditions that do not expand the height or footprint of a structure or use including installation or relocation of nonbearing walls, nonbearing partitions, fixtures, equipment, wiring, roofing, and plumbing.
  - b. Maintenance and repairs necessary to mitigate health, safety or environmental hazards that do not increase the nonconformity.

E. Damage or Destruction

1. When a nonconformity is damaged or destroyed by any intentional act of the owner or agent on behalf of the owner without a proper permit or approval, it shall not be restored except in conformity with the regulations of the district in which the nonconformity is situated and all other applicable regulations contained herein. Any additional nonconformities on the same property or associated with such nonconformity shall also lose any legal nonconforming status.
2. When a nonconformity is damaged by fire, explosion, act of God or the public enemy to the extent of less than 50 percent of its reasonable value, it may be restored to its original condition, provided that such work is commenced within one year of such event.
3. When a nonconformity is damaged by fire, explosion, act of God or the public enemy to the extent of more than 50 percent of its reasonable value, it shall not be restored except in conformity with the regulations of the district in which the use is situated and all other applicable regulations contained herein.

F. Change of Tenancy or Ownership

1. Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Article.

**Section 400.180 Nonconforming Uses**

A. Use and Limitations

1. Except as otherwise expressly authorized, a nonconforming use may not be changed to any use other than a use allowed within the zoning district in which the use is located.

2. When a nonconforming use has been changed, in whole or in part, to an allowed use, it may not be changed back to a use that is not allowed.
  3. A change of use will be deemed to occur when an existing nonconforming use has been terminated and an allowed use has commenced.
  4. Any change in use will be deemed an abandonment of the previous nonconforming use.
  5. In the event that a nonconforming use is discontinued for a period of one year, all nonconforming use rights are lost and reestablishment of the nonconforming use is prohibited.
- B. Alterations
1. Nonconforming uses shall not be enlarged, extended or expanded to occupy a greater area of land or structure unless such use is modified to conform to the requirements of this Code.
  2. Nonconforming uses may be reduced in size or density and maintain legal, nonconforming status.
  3. Maintenance and repairs shall conform to regulations outlined in **Section 400.170.D, *Maintenance and Repairs***.
- C. Relocation
1. Nonconforming uses shall not be moved or relocated, in whole or in part, to any other portion of a parcel, lot or structure not already occupied by the use on the date of adoption or amendment of this Code, unless such move would render the use compliant with current regulations.
  2. Nonconforming uses shall not be moved or relocated, in whole or in part, to any other/different location, parcel, lot or structure unless such move would render the use compliant with current regulations.

### **Section 400.190 Nonconforming Buildings and Structures**

- A. Use and Limitations
1. A nonconforming building or structure may be utilized for or occupied by any use allowed in the applicable zoning district, subject to all applicable use standards.
- B. Alterations
1. Nonconforming buildings and structures shall not be enlarged, expanded, extended or structurally altered in any way that would increase the nonconformity.
  2. Modification to buildings and structures may be allowed that would result in any of the following conditions:
    - a. The building or structure would conform to the requirements of this Code (for example, an existing one-story portion of a structure located over a setback line is removed and a two-story addition conforming to the setback requirement is constructed);
    - b. The reduction in the nonconformity (for example, a structure is located over the required setback and a portion of the structure is removed, but not enough to completely comply with the setback requirement);

- c. The enlargement, expansion, extension or alteration conforms to current regulations (for example, a house is located over a setback on one side yard and an addition is constructed on the other side that conforms to the setback, not altering the side with the nonconformity); or
- d. The alteration would not increase the nonconformity (for example, a building is taller than the maximum allowed height and a new tenant completes an interior remodel that does not change the height or area of the building).
- e. Maintenance and repairs shall conform to regulations outlined in **Section 400.170.D, *Maintenance and Repairs***.

C. Relocation

- 1. Nonconforming buildings and structures shall not be relocated or moved, in whole or in part, for any reason or any distance on the existing parcel or lot or to a new parcel or lot, unless such relocation would result in the building or structure complying with the requirements of this Code.

**Section 400.200 Nonconforming Lots**

A. Use and Limitations

- 1. A nonconforming lot that was made nonconforming by virtue of enactment of this Code or dedication of street right-of-way accepted by the City may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.
- 2. The boundaries of such lot may be altered so long as the adjustments do not increase the nonconformity (for example, a boundary adjustment increases the size of lot that is below the minimum lot area requirement, but not enough to make the lot conforming).
- 3. Should an existing structure located on a nonconforming lot be demolished, the legal nonconforming lot shall maintain buildable status and any new construction shall conform to the requirements of this Code.

**Section 400.210 Nonconforming Site Features**

A. Use and Limitations

- 1. No action shall be taken that increases the degree of nonconformity of a site feature.
- 2. Nonconforming site features may be altered if the alteration reduces the degree of nonconformity.

B. **Upgrading of Nonconforming Site Features**

- 1. Nonconforming site features shall be upgraded to comply with this Code's minimum requirements when the following development activities occur:
  - a. An addition to or expansion of one or more structures that, over a two-year period, would increase the total gross floor area of the structures by more than 50 percent; or
  - b. A remodeling of one or more structures that, over a two-year period, would cost more than 50 percent of the current assessed value of the structures.

**Commented [PN3]:** New requirement. Currently, there are no thresholds for when nonconforming site features are required to be upgraded.

**Section 400.220 Nonconforming Signs**

A. Nonconforming signs shall comply with **Section 425.590, Nonconforming Signs.**

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## Chapter 405 Administration and Procedures

### Article I Purpose, Organization and Summary Table of Application Procedures

#### Section 405.000 Purpose and Organization

- A. The purpose of this Chapter is to provide consistent and equitable procedures for the review of development proposals and to ensure that proposed development is in accordance with the purposes and standards of this Code.
- B. This Chapter describes the review and approval procedures for applications for land use and development in the City, and is divided into three parts:
  - 1. **Article I, Section 405.010** contains a summary table listing the applications authorized by this Code and application-specific requirements for pre-application meetings, public hearing notice, review and decision-making bodies, and expiration of approval. The table also lists cross references to related applications authorized by and subject to requirements of other chapters of this Code.
  - 2. **Article II** describes the common procedures and requirements that apply to most application types.
  - 3. **Articles III-VIII** contain application-specific procedures and requirements including any additions or modifications to the common procedures in **Article II**.
  - 4. **Article IX** describes the procedures for Urban Redevelopment in accordance with Chapter 353, Revised Statutes of Missouri.

#### Section 405.010 Summary Table of Application Procedures

- A. **Table 405.010**, *Summary Table of Application Procedures*, lists the applications authorized by this Chapter and application-specific requirements from **Articles III-VIII** for pre-application meetings, public hearing notice, review and decision-making bodies, and expiration of approval. The table also lists cross references to related applications authorized by and subject to requirements of other chapters of the Municipal Code.
- B. In the event of conflict between the application-specific procedures in **Articles III-VIII** and the requirements summarized in **Table 405.010**, *Summary Table of Application Procedures*, the application-specific procedures and requirements in **Articles III-VIII** shall govern.

**Table 405.010 Summary Table of Application Procedures**

**Commented [PN4]:** The table lists the applications authorized by this Code and application-specific requirements for pre-application meetings, public hearing notice, review and decision-making bodies, and expiration of approval.

KEY: **X** = Required    - = Not Applicable/Not Required    **R** = Review and Recommendation    **D** = Review and Decision    [ ] = Public Hearing    **A** = Appeal

Procedure	Code Section	Pre-application Meeting		Public Hearing Notice		Review and Decision-Making Bodies				Post Decision Actions and Limitations
		Staff Meeting	Neighborhood Meeting	Publish	Mail	Staff	Planning & Zoning Commission	Board of Aldermen	Board of Adjustment	Period of Validity
<b>TEXT AND ZONING MAP AMENDMENT PROCEDURES</b>										
Text Amendment	405.090	-	-	X	-	R	[R]	[D]	-	does not expire
Zoning Map Amendment	405.100	X	X	X	X	R	[R]	[D]	-	does not expire
Annexation	405.110	PURSUANT TO MISSOURI REVISED STATUTES								
<b>SUBDIVISION PROCEDURES</b>										
Preliminary Plat, Minor	405.120	-	-	-	-	D	A	-	-	one year
Preliminary Plat, Major	405.120	X	X	X	X	R	[R]	[D]	-	two years
Record Plat	405.130	-	-	-	-	D	A	-	-	one year
Vacation of Rights-of-Way/Easement Plat	405.140	-	-	X	X	R	[R]	[D]	-	one year
<b>DEVELOPMENT REVIEW PROCEDURES</b>										
Master Plan	405.150	X	X	X	X	R	[R]	[D]	-	two years
Site Plan, Minor	405.160	-	-	X	X	R	[D]	[A]	-	one year
Site Plan, Major	405.160	X	X	X	X	R	[R]	[D]	-	one year
Special Use Permit	405.170	-	-	X	X	R	[R]	[D]	-	one year
Improvement Plan	405.180	-	-	-	-	D	-	-	-	one year
<b>DEVELOPMENT PERMIT PROCEDURES</b>										
Floodplain Development Permit	405.190	-	-	-	-	D	-	-	[A]	one year
Sign Permit	405.200	-	-	-	-	D	-	-	[A]	one year
Storm Sewer Permit	405.210	-	-	-	-	D	-	-	-	one year
Building Permit	500.010	-	-	-	-	D	-	-	-	varies
Right-Of-Way Permit	511.040-511.120	-	-	-	-	D	-	-	-	60 days (maximum)
Small Wireless Facility Permit	511.400	-	-	-	-	D	-	-	-	10 years (minimum)

Procedure	Code Section	Pre-application Meeting		Public Hearing Notice		Review and Decision-Making Bodies				Post Decision Actions and Limitations
		Staff Meeting	Neighborhood Meeting	Publish	Mail	Staff	Planning & Zoning Commission	Board of Aldermen	Board of Adjustment	Period of Validity
Grading Permit	540.010-540.110	-	-	-	-	D	-	-	-	one year
<b>FLEXIBILITY AND RELIEF PROCEDURES</b>										
Minor Adjustment	405.230	REFER TO CONCURRENT APPLICATION PROCEDURES								
Variance	405.240	X	-	X	X	R	-	-	[D]	one year
<b>APPEAL PROCEDURES</b>										
Appeal of Administrative Enforcement	405.250	-	-	X	-	R	-	-	[D]	does not expire
Appeal of Final Decision	405.260	REFER TO ORIGINAL APPLICATION PROCEDURE								

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## Article II Common Procedures

### Section 405.020 Applicability

- A. This Section describes the common procedures and requirements applicable to all applications authorized by this Code. Common procedures include six steps, as shown in **Figure 405.020**, not all of which are applicable to every application.

1	2	3	4	5	6
Pre-Application Meetings	Application Submission and Handling	Staff Review and Action	Notice and Public Hearings	Review and Decision-Making Bodies	Post-Decision Actions and Limitations

Figure 405.020: Common Procedures

- A. Application-specific procedures and requirements beyond those in this Article are identified in **Articles III-VIII**.
- B. In the event of conflict between the common procedures and requirements contained in this Article and the application-specific procedures and requirements contained in **Articles III-VIII**, the application-specific procedures and requirements shall govern.

### Section 405.030 Pre-Application Meetings

- A. **Pre-Application Staff Meeting**
1. Purpose
    - a. The pre-application staff meeting is intended to provide an opportunity for the applicant to meet with City staff to discuss submittal requirements, review procedures, and to identify any issues associated with the proposed development concept.
  2. Applicability
    - a. A pre-application staff meeting may be requested by an applicant for any application type and shall be required for applications as indicated in **Table 405.010, Summary Table of Application Procedures**.
    - b. The pre-application staff meeting requirements may be waived by the Community Development Director if the proposal has minimal impacts on the surrounding properties, environment, or infrastructure.
  3. Procedure
    - a. The applicant shall submit a request for a pre-application meeting to the Community Development Director.
    - b. At least seven days prior to the scheduled pre-application meeting, the applicant shall submit the following materials at a minimum:
      - (1) A written description of the proposed project;
      - (2) Conceptual drawings showing the location, layout, and primary elements of the proposal; and
      - (3) Proposed uses, location of uses, and densities.

**Commented [PN5]:** The existing code does not have common procedures that apply to all applications types, which leads to conflicting requirements and difficulty in administration.

**Commented [PN6]:** Currently pre-application meetings are encouraged for larger projects, but not required.

4. Effect
  - a. Any information or discussions held at the pre-application staff meeting shall not be binding on the City or the applicant.
  - b. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action.
- B. Pre-Application Neighborhood Meeting
  1. Purpose
    - a. A pre-application neighborhood meeting is intended to allow residents, businesses, and organizations in the area surrounding a proposed development an opportunity to learn about the project details and to provide feedback to the applicants.
  2. Applicability
    - a. A pre-application neighborhood meeting is required for applications as indicated in **Table 405.010, Summary Table of Application Procedures.**
    - b. The pre-application neighborhood meeting requirements may be waived by the Community Development Director if the proposal has minimal impacts on the surrounding properties, environment, or infrastructure.
  3. Notice
    - a. The applicant shall be responsible for providing notice by mail to property owners within 200 feet of the property lines of the proposed development and any subdivision or homeowner associations adjacent to or which overlap the proposed development site.
    - b. Notice shall be provided at least 15 days prior to the meeting date and shall include the meeting date, time, location, address of the proposed development and short description of the proposed project.
    - c. The applicant shall also provide notice to the Community Development Director.
  4. Meeting Specifics
    - a. The meeting shall be organized by the applicant.
    - b. City staff are not required to plan, organize, attend or participate in the meeting.
    - c. The applicant shall present, at minimum, proposed land uses, a conceptual site layout of buildings, parking and vehicle access, and the preliminary design concept. Engineered plans are not required.
    - d. The applicant shall provide an opportunity for attendees to provide feedback and ask questions.
    - e. As part of the application submittal, the applicant shall submit a summary of the meeting, list of attendees, copy of the presentation and proof of notification.
    - f. The applicant is required to host one pre-application neighborhood meeting, but may agree to conduct additional meetings before or after filing an application.

**Commented [PN7]:** Currently pre-application neighborhood meetings are encouraged for larger projects, but not required.

## **Section 405.040 Application Submission and Handling**

### **A. Authority to Apply**

1. Unless expressly stated otherwise in this Code, applications may be submitted by the following entities:
  - a. The property owner;
  - b. An authorized party submitting on behalf of the property owner, as evidenced by a notarized affidavit from the property owner; or
  - c. An authorized contract purchaser, tenant, or other authorized party, as evidenced by a notarized affidavit from the property owner.
2. If there are multiple property owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
3. No application shall be submitted prior to completing the required pre-application meetings as indicated in **Table 405.010, Summary Table of Application Procedures**.

### **B. Application Content and Fees**

1. The application shall be submitted to the Department of Community Development or Department of Public Works, as applicable, on a form established by the Director of the applicable department.
2. Application forms listing submission requirement details shall be established and maintained by the City.
3. The application, plans, and supporting documents shall provide sufficient detail to verify conformance with the applicable standards of this Code and the application-specific review criteria.
4. Application fees shall be paid at the time of submittal in accordance with the fee schedule in **Section 135.100** of the Municipal Code, *Planning and Zoning Fees*.

### **C. Submittal Deadlines and Review Schedules.**

1. Applications requiring review or approval by the Planning and Zoning Commission or Board of Adjustment as indicated in **Table 405.010, Summary Table of Application Procedures**, shall be filed in the office of the Community Development Director at least 35 days prior to a regularly scheduled meeting of the Planning and Zoning Commission or Board of Adjustment.
2. The Community Development Director shall establish a more specific processing cycle for each type of application, which includes:
  - a. Dates of regular meetings of review bodies and decision makers that comply with all legal requirements for notice and public meeting deadlines;
  - b. Deadlines for receipt of a complete application for consideration at a particular meeting;
  - c. The scheduling of staff review, agency review and staff reports on complete applications;
  - d. The steps and benchmarks in the application process (including required notice requirements, public meetings, public hearings, decision meetings and review by other bodies).

D. Concurrent Applications

1. At the discretion of the Community Development Director or Public Works Director, as applicable, multiple applications types may be filed for the same property and may be reviewed and acted on concurrently.
2. Whenever two or more application types are required under this Code, the Community Development Director or Public Works Director, as applicable, shall determine the order and timing of review.
3. When a development includes multiple parcels, a separate application for each property shall be submitted unless the Community Development Director or Public Works Director, as applicable, approves a consolidated application.

E. Determination of Completeness

1. The Community Development Director or Public Works Director, as applicable, shall determine whether the application is complete or incomplete within seven days of submittal.
2. An application will be considered complete if it is submitted in the required number and form, includes all required information, and is accompanied by the required fee. A complete application shall be processed in accordance with the procedures in this Chapter.
3. If an application is determined to be incomplete, written notice explaining the deficiencies must be provided to the applicant. No further processing of an incomplete application will occur until the deficiencies are corrected.
4. The application shall expire and a new application, including fee, shall be submitted to commence review if the deficiencies are not corrected within 90 days of the date of the written notice of deficiencies to the applicant.

F. Application Withdrawal

1. An applicant may withdraw an application at any time by submitting a request in writing.
2. The applicant shall not be entitled to a refund of fees.

**Section 405.050 Staff Review and Action**

A. Application Review

1. The complete application shall be distributed to appropriate staff for review.
2. Recommendations and comments shall be submitted to the applicant in a form established by the Community Development Director or Public Works Director, as applicable.
3. The application shall expire and a new application, including fee, shall be submitted to commence review if no correspondence, documentation or revised plans are received from the applicant for a period of time that exceeds 90 days from the date of the written notice of recommendations and comments to the applicant.

B. Technical Studies

1. The Community Development Director or Public Works Director, as applicable, on behalf of any public official, department, or agency, the Planning and Zoning

Commission or the Board of Aldermen may require applicants to submit technical studies as may be necessary to evaluate the application.

- a. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies.
- b. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impact studies.
- c. The costs of all studies and technical review by outside entities shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

C. Applications Subject to Staff Recommendation

1. The Community Development Director shall schedule complete applications for action by the appropriate review and/or decision-making body as indicated in **Table 405.010, Summary Table of Application Procedures**.
2. The Community Development Director shall prepare a staff report and provide a copy of the report to the review and/or decision-making body and to the applicant before the scheduled meeting.

D. Applications Subject to Staff Decision

1. If an application is subject to staff review and final decision as indicated in **Table 405.010, Summary Table of Application Procedures**, the appropriate staff shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or conditions of approval.
2. For all application types, the staff decision is immediately final.
3. Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this Code and shall relate to the anticipated impacts of the proposed development.

**Section 405.060 Notice and Public Hearings**

A. Public Meeting Notice

1. All public meetings of review and decision-making bodies shall be preceded by notice in accordance with **Section 125.060** of the Municipal Code, *Notices of Meetings*.

B. Public Hearing Notice

1. Applicability
  - a. All public hearings required by this Code shall be preceded by the notices identified in **Table 405.010, Summary Table of Application Procedures**.
2. Content
  - a. The notice shall provide the general nature of the application and the time, place and location of the public hearing.

3. Published Notice
  - a. At least 15 days prior to the public hearing, notice shall be published in a newspaper in general circulation in the City.
  - b. An affidavit of publication shall be kept as part of the City record.
4. Mailed Notice
  - a. The applicant shall provide a certified list from the St. Charles County Assessor of names and addresses of all owners of record within 500 feet of the boundaries of the property.
  - b. At the expense of the applicant, the Community Development Director shall mail notice of the time, place and nature of the public hearing to all property owners referenced in **subsection 4.a** at least 15 days prior to the public hearing date.
  - c. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.
- C. Public Hearing Procedures
  1. The public hearing shall be conducted, and a record of the proceedings shall be preserved, as the specific review and/or decision-making body may prescribe by rule.
  2. Any interested person or party may appear and be heard in person, by agent, or by attorney.
  3. The review and/or decision-making body may request a report on the application from any government official or agency, or any other person, firm or corporation with information pertinent to the application. A copy of any requested report shall be made available to the applicant and interested parties and shall be available for review in the office of the Community Development Director.
  4. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Code provided that the continuance is set for a specific date, time and location announced at the original public hearing.

**Commented [PN8]:** The existing public hearing notice requirements are 1,000 feet for commercial and 300 feet for residential projects.

### **Section 405.070 Review and Decision-Making Bodies**

- A. Public Hearing
  1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in **Table 405.010, Summary Table of Application Procedures.**
  2. If the application is subject to a public hearing, the review and/or decision-making body shall hold a public hearing on the application in accordance with **Section 405.060, Notice and Public Hearings.**
  3. The review and/or decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing, if required.
- B. Review Body Action

1. The review body shall recommend to the decision-making body approval, approval with conditions, or denial of the application based on the applicable review criteria listed in the application-specific procedures.
  2. The review body may also continue the public hearing in accordance with **Section 405.060**, *Notice and Public Hearings*, to allow further analysis.
- C. Decision-Making Body Action
1. The decision-making body shall approve, approve with conditions, or deny the application based on the applicable review criteria listed in the application-specific procedures.
  2. The decision-making body may also continue the public hearing in accordance with **Section 405.060**, *Notice and Public Hearings*, to allow further analysis, and may remand the application to the appropriate review body for further consideration.
  3. The application shall not be continued more than 60 days from the original meeting date without consent of the applicant. No application shall be continued more than once by each review or decision-making body without consent of the applicant.
- D. Conditions of Approval
1. A review or decision-making body may approve an application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of the development.
  2. The Planning and Zoning Commission and Board of Adjustment may remove, modify or maintain conditions recommended by City staff.
  3. The Board of Aldermen may remove, modify or maintain conditions recommended by City staff or the Planning and Zoning Commission.
  4. Unless expressed in this Code or specifically modified during a public meeting, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.
  5. Conditions placed on an approved application shall be resolved to the satisfaction of the Community Development Director after appropriate consultation with the Chief Building Official and Public Works Director, if applicable.
- E. Effect of Approval
1. The issuance of any approval, certificate, or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
  2. Approval of an application shall become effective immediately upon approval by the decision-making body indicated in **Table 405.010**, *Summary Table of Application Procedures*. In the event that additional approval is required by another governmental authority or agency, the approval shall not become effective until that approval is received.
  3. Unless otherwise stated for a specific type of permit, approval, or decision under this Code, or unless otherwise stated on the permit or approval document,

**Commented [PN9]:** The existing Code does not list review criteria for all applications.

permits and approvals issued under this Code run with the land and are not affected by changes in ownership or the form of ownership of the property.

### Section 405.080 Post-Decision Actions and Limitations

#### A. Notice of Decision

1. Within 10 days after a final decision on an application, the Community Development Director or Public Works Director, as applicable, shall provide notice via mail or electronic mail to the applicant stating the decision and the appropriate next steps.

#### B. Appeals

1. A party aggrieved or adversely affected by any decision by the Board of Aldermen, Board of Adjustment, or an appellate body may seek review of the decision in the courts in accordance with state law.
2. An applicant aggrieved by final decisions by staff or the Planning and Zoning Commission on any application listed in **Table 405.010, Summary Table of Application Procedures**, may appeal the decision to the appellate body indicated in **Table 405.010, Summary Table of Application Procedures**, and in accordance with **Section 405.250, Appeal of Final Decision**.

#### C. Expiration of Approvals

##### 1. Period of Validity

- a. Each permit or approval granted under this Code shall be valid for the periods of time indicated in **Table 405.010, Summary Table of Application Procedures**, and shall become null and void after that period unless extended pursuant to **subsection C.2**.

##### 2. Extensions

- a. Prior to the expiration date of a permit or approval, the Community Development Director or Public Works Director, as applicable, may extend the period of validity one time, for up to one year.
- b. An extension shall be granted only after a written request from the applicant which explains reasonable cause for such extension has been received and it is determined that a reasonable cause exists for such an extension.
- c. Further extensions shall be subject to the approval of the decision-making body for the original application.

#### D. Amendments to Approved Applications

1. After the City has issued a permit or granted approval pursuant to this Chapter, the permit or approval may only be amended as described in this subsection.
2. Minor Amendments
  - a. Minor amendments to a permit or approval issued under this Chapter may be approved by the Community Development Director or Public Works Director, as applicable, provided the Director determines that the following criteria have been met:
    - (1) The amendment is insignificant,

**Commented [PN10]:** The existing Code does not specify what types of amendments can be approved administratively, and which require approval of a decision-making body.

- (2) The amendment has minimal impact to the overall design of the development or subdivision,
- (3) The amendment does not vary the requirements of this Code; and
- (4) The amendment does not change any conditions of approval.

3. Major Amendments

- a. All amendments to permits or approvals that do not qualify as minor amendments under **subsection D.2** may only be approved by the review or decision-making body that issued the permit or approval, and shall be processed as a new application following the same procedure for the original application.

E. Successive Applications

- 1. In the event that the decision-making body takes final action to deny an application, the same or a similar application shall not be refiled for one year from the advertised meeting date.
- 2. The Community Development Director or Public Works Director, as applicable, upon petition by the applicant, may permit a refiling of the application no sooner than 180 days after the scheduled meeting date when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity or a significant code amendment has been adopted.
- 3. There shall be no time limitation on the submittal of a substantially different application.

**Commented [PN11]:** The existing Code does not specify when and how similar applications may be submitted after they are first denied.

## Article III Text and Zoning Map Amendment Procedures

### Section 405.090 Text Amendments

A. Purpose

- 1. The purpose of the text amendment procedure is to add, remove, or modify the text of this Code to reflect changes in public policy, changed conditions, or to advance the health, safety, and welfare of the City.

B. Applicability

- 1. This Section applies to all requests to change the text of this Code.
- 2. An application for a text amendment may be initiated by the Community Development Director, the Planning and Zoning Commission, or the Board of Aldermen.
- 3. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

**Commented [PN12]:** The existing Code permits “any interested resident of the City” to submit an application for text amendment. The proposed code will only allow text amendments to be initiated by the Community Development Director, Planning and Zoning Commission, or the Board of Aldermen.

C. Procedure

- 1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
- 2. Application Submission and Handling

- a. An application for a text amendment shall be prepared by the Community Development Director.
- 3. Staff Review and Action
  - a. The Community Development Director shall prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
- 4. Notice and Public Hearings
  - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
- 5. Review and Decision-Making Bodies
  - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with modifications, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - c. *Review Criteria.* A text amendment application shall be reviewed according to the following criteria:
    - (1) The text amendment is consistent with the Comprehensive Plan and other City policies;
    - (2) The text amendment does not conflict with other provisions of this Code or other provisions in the Lake Saint Louis Municipal Code;
    - (3) The text amendment is necessary to address a demonstrated community need;
    - (4) The text amendment is necessary to respond to substantial changes in conditions and/or policy; and
    - (5) The text amendment is consistent with the general purpose and intent of this Code.
- 6. Post-Decision Actions and Limitations
  - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modification:
    - (1) *Expiration of Approval.* The period of validity of an approved text amendment shall not expire.

**Section 405.100 Zoning Map Amendment**

A. Purpose

1. The purpose of the zoning map amendment procedure is to change a property's zoning classification by revising the Official Zoning Map to reflect changes in public policy, changed conditions, in accordance with the Comprehensive Plan, or to advance the health, safety, and welfare of the City.
  2. The purpose is neither to relieve particular hardship nor to confer special privileges or rights on any person.
  3. The zoning map amendment procedure should not be used when a special use permit, variance, or minor adjustment could be used to achieve a similar result.
- B. Applicability
1. This Section applies in the following instances:
    - a. Initial zoning of property into a zoning district at the time property is annexed into the City;
    - b. Changes of zoning from one base zoning district to a different base zoning district; and
    - c. To include property in, or exclude property from, an overlay district.
  2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
    - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
  2. Pre-application Meetings
    - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
  3. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040** and the following modifications:
      - (1) In addition to the persons authorized to submit an application listed in **Section 405.040.A**, the Planning and Zoning Commission, Board of Aldermen, and Community Development Director may initiate a zoning map amendment application.
      - (2) An application for zoning map amendment shall be submitted concurrently with an application for preliminary plat (**Section 405.120**), site plan (**Section 405.160**), or master plan (**Section 405.150**).
      - (3) A request for a zoning map amendment that would create a nonconformity shall not be approved unless approval is first granted for a minor adjustment (**Section 405.220**) or variance (**Section 405.230**).
  4. Staff Review and Action

- a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
- 5. Notice and Public Hearings
  - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
- 6. Review and Decision-Making Bodies.
  - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - c. *Review Criteria.* A zoning map amendment shall be reviewed according to the following criteria:
    - (1) The zoning map amendment is consistent with the City's Comprehensive Plan and the purpose of the Code;
    - (2) The zoning map amendment is consistent with the purpose statement of the proposed zoning district and all district standards;
    - (3) The zoning map amendment will not create any new non-conformities or increase the degree of any existing non-conformities;
    - (4) Substantial changes in the subject area warrant a zoning change; and/or
    - (5) The intensity of development in the proposed zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.
    - (6) In addition to the preceding criteria, an application for a zoning map amendment to include a property in the PUD - Planned Unit Development Overlay District in accordance with **Section 415.130**, *PUD - Planned Unit Development Overlay District*, shall also be reviewed according to the following criteria:
      - (a) The proposal addresses a unique situation, provides substantial benefit to the City, or incorporates an innovative design, layout, or configuration resulting in a higher quality result over what could have been accomplished through strict application of the base zoning district standards or other standards of this Code; and

- (b) The concurrent applications for preliminary plat, site plan, or master plan meets all applicable standards of this Code not expressly modified by the application.
- d. Protest Petition
  - (1) If a written protest against a proposed zoning map amendment that is signed and acknowledged by the owners of 30 percent or more, either 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 185 feet distant from the boundaries of the district proposed to be changed, said amendment shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Aldermen.
  - (2) Protest petitions must be filed with Community Development Director at least one week prior to the final decision of the Board of Aldermen.
- 7. Post-Decision Actions and Limitations
  - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Effect of Approval.* Following approval of a zoning map amendment, the Community Development Director shall prepare a revision to the Official Zoning Map.
    - (2) *Expiration of Approval.* The period of validity of an approved zoning map amendment shall not expire.

**Section 405.110 Annexation**

- A. Purpose
  - 1. The purpose of annexation is to expand City boundaries into unincorporated land that allows for orderly growth, efficient delivery of municipal services, and proactive planning for future development.
- B. Applicability
  - 1. This Section applies to all requests to annex new land into the City.
- C. Procedure
  - 1. Annexation of land into the City shall comply with the procedures and other provisions of Chapter 71, RSMo., as amended.

## Article IV Subdivision Procedures

### Section 405.120 Preliminary Plat

#### A. Purpose

1. The preliminary plat procedure is used to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Comprehensive Plan, and the adequate provision of facilities and services to the City.

#### B. Applicability

1. This Section shall apply to any subdivision of land that meets one of the following criteria:
  - a. Minor Preliminary Plat
    - (1) Creates three or fewer new lots or 10 or fewer new condominium units.
    - (2) Converts an existing building into condominium units.
    - (3) Combines two or more lots into a single lot.
    - (4) Adjusts the property lines between two or more properties.
    - (5) Amends a recorded final plat to correct minor survey or drafting errors.
    - (6) Dedicates easements to the City.
    - (7) Does not require the dedication of right-of-way or construction of public improvements.
  - b. Major Preliminary Plat
    - (1) Creates more than three new lots or more than 10 new condominium units.
    - (2) Requires the dedication of right-of-way or construction of public improvements.
    - (3) Does not qualify as a minor preliminary plat in accordance with **subsection B.1.a.**
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

#### C. Minor Preliminary Plat Procedure

1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
  - a. The Community Development Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.3.b.**
  - b. *Review Criteria*. A minor preliminary plat shall be reviewed according to the following criteria:

**Commented [PN13]:** The existing Code requires all subdivision plats be approved by the P&Z and Board of Aldermen.

The proposed Code distinguishes between “minor” and “major” preliminary plats. Minor plats are approved administratively. Major plats require approval by the P&Z and Board of Aldermen.

- (1) The preliminary plat is consistent with the Comprehensive Plan and any approved master plan that includes the property;
  - (2) The preliminary plat is consistent with the intent of the underlying zoning district and complies with applicable dimensional standards of the underlying zoning district;
  - (3) The preliminary plat complies with all applicable standards in this Code, including **Chapter 430, Subdivision and Improvement Standards** and the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
4. Post-Decision Actions and Limitations
    - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
      - (1) *Effect of Approval.* Approval of a minor preliminary plat authorizes the applicant to submit an application for record plat (**Section 405.130**).
      - (2) *Expiration of Approval.* An approved minor preliminary plat shall expire one year after the date of final approval unless it is recorded with the St. Charles County Recorder of Deeds in accordance with **Section 430.040, Filing of Approved Record Plats**, or an extension is granted pursuant to **Section 405.080**.
- D. Major Preliminary Plat Procedure
1. Summary
    - a. Refer to **Table 405.010, Summary Table of Application Procedures**.
  2. Pre-application Meetings
    - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
  3. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
  4. Staff Review and Action
    - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
  5. Notice and Public Hearings
    - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
  6. Review and Decision-Making Bodies.
    - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.

- b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c.** The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - c. *Review Criteria.* A major preliminary plat shall be reviewed according to the following:
    - (1) The preliminary plat is consistent with the Comprehensive Plan and any approved master plan that includes the property;
    - (2) The preliminary plat is consistent with the intent of the underlying zoning district and complies with applicable dimensional standards of the underlying zoning district;
    - (3) The preliminary plat complies with all applicable standards in this Code, including **Chapter 430, Subdivision and Improvement Standards** and the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
    - (4) The preliminary plat provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive areas and/or community assets;
    - (5) The preliminary plat provides evidence of public water and sewer system connections;
    - (6) The existing utilities and infrastructure, including but not limited to streets, water, sanitary and storm sewers, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
    - (7) The preliminary plat identifies and adequately mitigates known natural hazard areas; and
    - (8) The preliminary plat proposes reasonable project phasing in terms of infrastructure capacity.
7. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Effect of Approval*
      - (a) Approval of a major preliminary plat authorizes the applicant to submit applications for record plat (**Section 405.130**) and improvement plan (**Section 405.180**).
      - (b) No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the applicable City officials.
    - (2) *Expiration of Approval.* An approved major preliminary plat shall expire two years after the date of final approval unless:
      - (a) An extension is granted pursuant to **Section 405.080**; or

- (b) A record plat for all or part of the approved major preliminary plat is recorded with the St. Charles County Recorder of Deeds in accordance with **Section 430.040, Filing of Approved Record Plats.**
  - (i) Within one year of recording the record plat for the first phase of the subdivision, an application for record plat must be approved for the next phase, continuing with each successive phase, until record plats have been approved and recorded for all the land subject to the original major preliminary plat.
  - (ii) If the applicant fails to receive approval for a record plat for any phase of the development within the prescribed period, or within any extension granted pursuant to **Section 405.080**, the original major preliminary plat shall expire for that phase and for all other phases for which a record plat has not been approved or no longer remains in effect on the date of expiration.
  - (iii) If an approved record plat expires in accordance with **Section 405.130**, the major preliminary plat for that phase shall also expire, and all other phases for which a record plat has not been approved or is not pending approval, or has lapsed subsequent to approval, on the date of expiration.

**Section 405.130 Record Plat**

- A. Purpose
  - 1. The record plat procedure completes the subdivision process and ensures compliance with the approved minor or major preliminary plat before final recording.
- B. Applicability
  - 1. This Section shall apply to minor and major preliminary plats approved in accordance with **Sections 405.120.**
  - 2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C.** In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
  - 1. Summary
    - a. Refer to **Table 405.010, Summary Table of Application Procedures.**
  - 2. Application Submission and Handling
    - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040.**
  - 3. Staff Review and Action
    - a. The Community Development Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.3.b.**
    - b. *Review Criteria.* A record plat shall be reviewed according to the following:
      - (1) It substantially complies with all requirements of this Code;

**Commented [PN14]:** Referred to as “Final Subdivision Plat” in the existing Code.

**Commented [PN15]:** Currently, approval of final/record plats require approval of the P&Z and Board of Aldermen except in PR and PD districts where they are approved administratively.  
  
The proposed Code allows all record plats to be approved administratively.

- (2) It complies with the applicable technical standards and specifications adopted by the City; and
  - (3) It conforms to the approved major or minor preliminary plat, including any conditions of approval. A record plat is not consistent with an approved major or minor preliminary plat if it:
    - (a) Increases the number of residential, mixed-use, or nonresidential lots, or increase the number of permitted dwelling units, or increases the amount of permitted nonresidential development.
    - (b) Decreases the number of residential, mixed-use, or nonresidential lots, or decreases the number of permitted dwelling units, or decreases the amount of permitted nonresidential development in an area where the Comprehensive Plan recommends increasing development density or intensity, or where achieving a minimum density or intensity of development were factors in the City's discussion or approval of the preliminary plat.
    - (c) Modifies the proposed street layout or the location or dimensions of proposed blocks or development areas so as to increase through traffic in residential areas within the subdivision, or so as to increase the length of pedestrian, bicycle, or automobile trips within the subdivision or to or from streets bordering the subdivision.
    - (d) Modifies the location of designated open space or an existing or proposed conservation easement so as to increase the distance or decrease usability or attractiveness of the open space or easement area for residents and occupants of the subdivision, or so as to decrease the connectivity of open spaces with adjacent properties outside the subdivision,
    - (e) Removes a restriction on property use or modifies a minor adjustment or variance related to the approved minor or major preliminary plat.
4. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Effect of Approval*
      - (a) An approved record plat may be recorded with the St. Charles County Recorder of Deeds, subject to the requirements of **Section 430.040, Filing of Approved Record Plats**.
      - (b) No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the applicable City officials.
    - (2) *Expiration of Approval*. An approved record plat shall expire one year after the date of final approval unless it is recorded with the St. Charles County Recorder of Deeds or an extension is granted pursuant to **Section 405.080**.

## Section 405.140 Vacation of Rights-of-Way/Easement Plat

Commented [PN16]: New procedure.

### A. Purpose

1. The vacation of right-of-way/easement plat procedure provides a mechanism for vacating rights, interests, or title of the City in and to any right-of-way or easement located in the City.

### B. Applicability

1. This Section shall apply to any request for vacating rights, interests, or title of the City in and to any right-of-way or easement located in the City.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

### C. Procedure

1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling.
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
  - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
4. Notice and Public Hearings
  - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
5. Review and Decision-Making Bodies
  - a. *Planning and Zoning Commission Review and Recommendation*. The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - b. *Board of Aldermen Review and Decision*. The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - c. *Review Criteria*. A vacation of right-of-way/easement plat shall be reviewed according to the following:

- (1) The right-of-way has never been formally opened or used as a City street, has never been used for park or governmental purposes, or has been abandoned and removed;
  - (2) All portions of the right-of-way or easement to be vacated are within the City;
  - (3) No land adjoining the right-of-way to be vacated shall be left, as a result of the vacation, without an established public road connecting to another established public road.
6. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Effect of Approval.* An approved vacation of right-of-way/easement plat may be recorded with the St. Charles County Recorder of Deeds, subject to the requirements of **Section 430.040, Filing of Approved Record Plats.**
    - (2) *Expiration of Approval.* An approved vacation of right-of-way/easement plat shall expire one year after the date of final approval unless it is recorded with the St. Charles County Recorder of Deeds or an extension is granted pursuant to **Section 405.080.**

## Article V Development Review Procedures

### Section 405.150 Master Plan

#### A. Purpose

1. The master plan procedure is optional and provides a mechanism for review of large or complex development projects and provides the ability to obtain preliminary approval of a development concept before substantial technical work has been undertaken.

#### B. Applicability

1. This Section applies to all applications for master plan approval. Master plan approval is not required; however, an application may be submitted if at least one of the following criteria is met:
  - a. The site includes a contiguous area of at least five acres;
  - b. The development contains at least 50,000 square feet of nonresidential gross floor area;
  - c. The development contains at least 100 dwelling units; and/or
  - d. The development will be constructed in phases.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

#### C. Procedure

1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Pre-application Meetings
  - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
3. Application Submission and Handling.
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
4. Staff Review and Action
  - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
5. Notice and Public Hearings
  - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
6. Review and Decision-Making Bodies.
  - a. *Planning and Zoning Commission Review and Recommendation*. The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with

**Commented [PN17]:** This is a new procedure meant to provide a mechanism for review of large or complex development projects and provides the ability to obtain preliminary approval of a development concept before substantial technical work has been undertaken.

Approval of a master plan constitutes acceptance of the overall planning concepts and development parameters and authorizes the subsequent submittal of applications for preliminary plats (**Section 405.120**) or site plans (**Section 405.160**). It does not authorize specific development activity.

**Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.

- b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - c. *Review Criteria.* A master plan shall be reviewed according to the following:
    - (1) The master plan is consistent with the general purpose and intent of this Code;
    - (2) The proposed land uses, densities and intensities are consistent with the Comprehensive Plan and applicable zoning districts;
    - (3) The existing utilities and infrastructure, including but not limited to streets, water, sanitary and storm sewers, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
    - (4) The proposed development is consistent with the dimensional, design, development, and all other standards of this Code; and
    - (5) The proposed development provides adequate mitigation for anticipated adverse impacts to surrounding neighborhoods and the City.
7. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Effect of Approval.*
      - (a) Approval of a master plan constitutes acceptance of the overall planning concepts and development parameters and authorizes the subsequent submittal of applications for preliminary plats (**Section 405.120**) or site plans (**Section 405.160**). It does not authorize specific development activity.
      - (b) All subsequent site plans and preliminary plats shall only be approved if they are consistent with the approved master plan. Applications for preliminary plats or site plans which deviate from the approved master plan may be approved without amending the approved master plan if the Community Development Director determines that the proposed development:
        - (i) Does not increase residential density;
        - (ii) Does not increase nonresidential floor area;
        - (iii) Does not increase the amount of land devoted to nonresidential uses;
        - (iv) Is consistent with the Comprehensive Plan;
        - (v) Complies with all applicable standards of this Code;
        - (vi) Complies with all applicable original conditions of approval; and
        - (vii) Would not result in significant change to the development's

general function, form, intensity, character, demand on public facilities, and impact on adjacent properties.

- (2) *Expiration of Approval.* An approved master plan shall expire two years after the date of final approval unless:
- (a) An extension is granted pursuant to **Section 405.080**; or
  - (b) A preliminary plat (**Section 405.120**) or site plan (**Section 405.160**) for all or part of the approved master plan is approved.
    - (i) Within one year of approval of a preliminary plat or site plan for the first phase of the development, an application for preliminary plat or site plan must be approved for the next phase, continuing with each successive phase, until preliminary plats or site plans have been approved for all the land subject to the original master plan.
    - (ii) If the applicant fails to receive approval for a preliminary plat or site plan for any phase of the development within the prescribed period, or within any extension granted pursuant to **Section 405.080**, the original master plan shall expire for that phase and for all other phases for which a preliminary plat or site plan has not been approved or no longer remains in effect on the date of expiration.
    - (iii) If an approved preliminary plat or site plan expires, the master plan for that phase shall also expire, and all other phases for which a preliminary plat or site plan has not been approved or is not pending approval, or has lapsed subsequent to approval, on the date of expiration.
- (3) *Amendments.*
- (a) Minor amendments to an approved master plan may be approved by the Community Development Director provided the Director determines that the following criteria have been met:
    - (i) Does not increase residential density;
    - (ii) Does not increase nonresidential floor area;
    - (iii) Does not increase the amount of land devoted to nonresidential uses;
    - (iv) Is consistent with the Comprehensive Plan;
    - (v) Complies with all applicable standards of this Code;
    - (vi) Complies with all applicable original conditions of approval; and
    - (vii) Would not result in significant change to the development's general function, form, intensity, character, demand on public facilities, and impact on adjacent properties.
  - (b) All amendments to master plans that do not qualify as minor amendments under **subsection (a)** shall be processed as a new application subject to the same procedures and requirements for the original application.

### **Section 405.160 Site Plan**

#### **A. Purpose**

1. The site plan procedure describes the process by which proposed development is reviewed for compliance with the development and design standards of this

Code before submittal of an application for improvement plan or issuance of a building permit.

B. **Applicability**

1. This Section shall apply to the following activities and any activity where it is expressly required or authorized by this Code:
  - a. *Major Site Plan*. Approval of a major site plan is required for the following activities:
    - (1) The construction of one or more new principal buildings with a gross floor area of 10,000 square feet or more.
    - (2) A building addition to one or more existing principal buildings where the gross floor area added is 10,000 square feet or more.
    - (3) The installation or addition of more than 10,000 square feet of impervious coverage.
  - b. *Minor Site Plan*. Approval of a minor site plan is required for the following activities:
    - (1) The construction of one or more new principal buildings with a gross floor area greater than 1,000 square feet and less than 10,000 square feet.
    - (2) A building addition to one or more existing principal buildings where the gross floor area added is greater than 1,000 square feet and less than 10,000 square feet.
    - (3) The installation or addition of more than 1,000 square feet but less than 10,000 square feet of impervious coverage.
  - c. *Exceptions*. The following activities are exempt from this Section but are subject to the standards of this Code:
    - (1) Construction of detached houses and duplexes, additions to such dwellings, and structures accessory to such dwellings.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsections C-F**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. **Minor Site Plan Procedure**

1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
  - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
4. Notice and Public Hearings

**Commented [PN18]:** The existing Code does not have specific thresholds for when site plan review is required. As a result, small projects such as additions and site alterations require P&Z and Board of Aldermen approval.

The proposed Code distinguishes between “minor” and “major” site plans. Minor site plans are approved by P&Z. Major site plans are approved by the Board of Aldermen. Projects that do not meet the thresholds (for example, additions smaller than 1,000 square feet) are reviewed and approved administratively.

- a. The application shall be scheduled for a public hearing before the Planning and Zoning Commission and noticed in accordance with **Section 405.060**.
  - 5. Review and Decision-Making Bodies.
    - a. *Planning and Zoning Commission Review and Decision.* The Planning and Zoning Commission shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection E**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
- D. Major Site Plan Procedure
  - 1. Summary
    - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
  - 2. Pre-application Meetings
    - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
  - 3. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
  - 4. Staff Review and Action
    - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
  - 5. Notice and Public Hearings
    - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
  - 6. Review and Decision-Making Bodies.
    - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection E**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
    - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection E**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
- E. *Review Criteria.* A site plan shall be reviewed according to the following criteria:
  - 1. The development is consistent with the general purposes and intent of this Code;
  - 2. The development complies with the applicable zoning district standards; **Chapter 425**, *Development Standards*, **Chapter 430**, *Subdivision and Improvement Standards*; the City's Engineering Standards, including the *Engineering and Plan*

*Preparation Manual for Public Facilities (Title V, Appendix A)*; and all other applicable standards of this Code;

3. The development is consistent with the Comprehensive Plan, other adopted City polices and plans, and any approved master plan that includes the property;
4. The existing utilities and infrastructure have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
5. The development mitigates any adverse impacts on the surrounding area to the degree practical; and,
6. New structures are compatible in volume, height, material, style and color with the site, surrounding existing structures and the established general character of design in the City.

F. Post-Decision Actions and Limitations

1. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
  - a. *Effect of Approval*
    - (1) Approval shall authorize the applicant to submit an application for improvement plan (**Section 405.180**) and a building permit, or begin construction or operation if additional permitting is not required.
    - (2) Approved site plans, as amended, shall be binding upon the owner, successors, and assigns. The approved site plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction, location, use, occupancy, and operation of all land and structures within the plan to all conditions, requirements, locations, and limitations set forth in the adopted plan.
  - b. *Expiration of Approval.* A site plan approval shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.
  - c. *Amendments.* Changes to approved site plans which are not considered minor amendments in accordance with **Section 405.080** shall be processed as a new application subject to the minor or major site plan procedure based on the thresholds specified in **subsection B.1**.

**Section 405.170 Special Use Permit**

A. Purpose

1. The special use permit procedure provides a mechanism for the City to evaluate proposed land uses that may be desirable, necessary, or convenient to the community, but which because of their unique characteristics, may have a potentially greater impact upon neighboring properties or the public than those uses permitted by right.

B. Applicability

1. This Section applies to all applications for a use listed as a special use in **Table 420.040, Table of Allowed Uses**, with the following exceptions:

- a. *Nonconforming Use*
    - (1) Any existing use without a special use permit that was legally established before the effective date of this Code and which after the effective date is located within a zoning district that requires a special use permit for the subject use is a nonconforming use and subject to the requirements of **Chapter 400, Article IV, Nonconformities**.
    - (2) Any proposed expansions or modifications of the use will be subject to all applicable standards of this Section.
  - b. *Conforming Special Use*
    - (1) Any existing use with a special use permit that was legally established before the effective date of this Code and which after the effective date is located within a zoning district that requires a special use permit for the subject use is a conforming special use and may continue to be operated under the terms of the previously-approved special use permit.
    - (2) Any proposed expansions or modifications of the use will be subject to all applicable standards of this Section.
  - c. *Conforming Permitted Use*
    - (1) Any existing use with a special use permit that was legally established before the effective of this Code and which after the effective date is located within a zoning district that does not require a special use permit for the subject use is a conforming permitted use and is subject to any conditions established as part of the original approval of the special use permit.
    - (2) A request to repeal or modify the existing special use permit and conditions will follow the procedure for a new special use permit.
  - 2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
- 1. Summary
    - a. Refer to **Table 405.010, Summary Table of Application Procedures**.
  - 2. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
  - 3. Staff Review and Action
    - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
  - 4. Notice and Public Hearings

- a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
- 5. Review and Decision-Making Bodies
  - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - c. *Review Criteria.* A special use permit shall be reviewed according to the following criteria:
    - (1) The proposed special use complies with all applicable provisions of this Code, the City's Comprehensive Plan, any approved master plan that includes the property, and good planning practice.
    - (2) The proposed special use at the specified location will contribute to and promote the general welfare, health, safety and convenience of the public.
    - (3) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the real property with respect to streets giving access to it are such that the special use will not adversely affect the immediate neighborhood so as to prevent development and use of neighboring property, in accordance with the applicable zoning district regulations. In determining whether the special use will adversely affect the immediate neighborhood, consideration shall be given to:
      - (a) The location, nature and height of buildings, structures, walls and fences on the real property; and
      - (b) The nature and extent of proposed landscaping and screening on the real property.
    - (4) Off-street parking and loading areas will be provided in accordance with the standards set forth in this Code.
    - (5) Adequate utilities, drainage and other such necessary facilities have been, or will be, provided on the real property.
    - (6) Adequate access roads, entrances and exit drives shall be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion on public streets and alleys.
- 6. Post-Decision Actions and Limitations

- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
- (1) *Effect of Approval.* Approval shall authorize the applicant to apply for a building permit or begin construction or operation if additional permitting is not required.
  - (2) *Expiration of Approval.*
    - (a) A special use permit shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.
    - (b) If an approved special use is discontinued for one year or more, it may not be reestablished without approval of a new special use permit application.
  - (3) *Revocation.* Upon a finding that an approved special use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the Board of Aldermen shall have the authority to revoke the special use permit in accordance with the procedures for a new special use permit.
  - (4) *Amendments*
    - (a) In addition to the minor amendments specified in **Section 405.080**, the following amendments to an approved special use permit may be approved by the Community Development Director:
      - (i) Change in business or trade names, where ownership and nature of business or trade remains the same;
      - (ii) Transfers to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the special use permit;
      - (iii) Amendments to site plans that were approved concurrently with an application for special use permit that do not exceed the thresholds for minor site plan review specified in **Section 405.160**; and
      - (iv) Other changes deemed by the Community Development Director to be similar in nature and/or to have a minimal impact on the operation of the existing use or surrounding area.
    - (b) All amendments to special use permits that do not qualify as minor amendments under **subsection C.6.a.4.(a)** shall be processed as a new application subject to the same procedures and requirements for the original application.

### **Section 405.180 Improvement Plan**

#### **A. Purpose**

1. The improvement plan procedure provides a mechanism for the review and approval of technical drawings associated with approved developments and to ensure compliance with this Code and the City's Engineering Standards.

#### **B. Applicability**

1. This Section applies to developments that have received approval of a site plan (**Section 405.160**) or preliminary plat pursuant (**Section 405.120**) and that propose the construction of public improvements.
  2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
    - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
  2. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Public Works and handled in accordance with **Section 405.040** and the following modification:
      - (1) Applications are subject to the requirements of the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
  3. Staff Review and Action
    - a. The Public Works Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.3.b**.
    - b. *Review Criteria*. An improvement plan shall be reviewed according to the following criteria:
      - (1) Required infrastructure and utility improvements have been approved by the appropriate agency;
      - (2) It complies with all applicable standards in this Code, including **Chapter 430, Subdivision and Improvement Standards**;
      - (3) It complies with the City's Engineering Standards, including the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
      - (4) It complies with other applicable City standards and policies; and
      - (5) It complies with requirements and conditions of approval for any prior approvals.
- D. Post-Decision Actions and Limitations
1. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - a. *Effect of Approval*. Approval shall authorize the subsequent submittal of an application for building permit or other site-disturbance permits.
    - b. *Required Improvements and Guarantees*
      - (1) Grading
        - (a) Prior to the issuance of a grading permit (**Section 540.031** of the Municipal Code), the applicant shall submit a construction financial guarantee in accordance with **Chapter 430, Article IX, Required Improvements and Guarantees**.

- (b) The financial guarantee shall be in an amount equal to the cost of all grading activities and erosion control measures.
- (2) Subdivision Improvements
  - (a) Prior to recording the record plat with St. Charles County, the applicant shall complete or guarantee the completion of required improvements and guarantee maintenance of such improvements in accordance with **Chapter 430, Article IX, Required Improvements and Guarantees**.
- (3) Site Improvements
  - (a) Prior to the issuance of a building permit for any multi-unit, mixed-use, or nonresidential development, the applicant shall submit a construction financial guarantee in accordance with **Chapter 430, Article IX, Required Improvements and Guarantees**.
  - (b) The financial guarantee shall be in an amount equal to the cost of all site improvements including parking lots, lighting, stormwater detention/retention, landscaping, construction debris cleanup and building board-up cost.
  - (c) The required construction financial guarantee may be waived by the Public Works Director in instances where the site improvements are relatively minor.
- c. *Expiration of Approval.* An improvement plan approval shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Public Works Director, or an extension is granted by the Public Works Director pursuant to **Section 405.080**.

## Article VI Development Permit Procedures

### Section 405.190 Floodplain Development Permit

- A. Purpose
  - 1. The floodplain development permit procedure provides a mechanism for the City to review and approve developments proposed in floodplain areas and to ensure conformance with the provisions of **Chapter 425, Article IX, Floodplain Management**.
- B. Applicability
  - 1. This Section applies to all development located within the jurisdiction of the City of Lake Saint Louis identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Maps (FIRMs) for St. Charles County on map panels 29183C0215G, 29183C0220G, and 29183C0240G, dated January 20, 2016, as amended, and any future revisions thereto.
  - 2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure

1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling.
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
  - a. The Floodplain Administrator shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the standards listed in **Chapter 425, Article IX**, *Floodplain Management*.
4. Post-Decision Actions and Limitations
  - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Appeals*. An applicant aggrieved or adversely affected by the decision of the Floodplain Administrator may appeal the decision to the Board of Adjustment in accordance with **Section 405.080** and **Section 405.230, Variance**. Appeals and variances are subject to the standards specified in **Section 420.760**, *Floodplain Management Appeal and Variance Procedures*.
    - (2) *Effect of Approval*. Approval shall authorize the applicant to apply for a building permit or begin construction or operation if additional permitting is not required.
    - (3) *Expiration of Approval*. A floodplain development permit shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Floodplain Administrator, or an extension is granted pursuant to **Section 405.080**.

#### **Section 405.200 Sign Permit**

- A. Purpose
  1. The sign permit procedure provides a mechanism for the City to review and approve signs and to ensure conformance with the provisions of **Chapter 425, Article VII, Signs**.
- B. Applicability
  1. No sign shall be displayed, installed, constructed, altered, moved, or improved within the City limits until the City has issued a permit in accordance with this Section, unless the sign or sign activity is designated as not requiring a permit pursuant to **Section 425.500, Sign Permits**.
  2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
  1. Summary

- a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
- 2. Application Submission and Handling.
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
- 3. Staff Review and Action
  - a. The Community Development Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the standards listed in **Chapter 425, Article VII, Signs**.
- 4. Post-Decision Actions and Limitations
  - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Appeals*
      - (a) Final decisions are not appealable.
      - (b) If an application is denied, the applicant may submit an application for a variance (**Section 405.220**) or an appeal of administrative enforcement (**Section 405.220**).
    - (2) *Effect of Approval*. Approval shall authorize the applicant to display, install, construct, alter, move, or improve the approved signage if additional permitting is not required.
    - (3) *Expiration of Approval*. A sign permit shall expire one year after permit issuance unless the approved signage is displayed, installed, constructed, altered, moved, or improved, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.

**Section 405.210 Storm Sewer Permit**

- A. Refer to **Chapter 430, Article VII, Drainage and Stormwater Control Standards**.

**Article VII Flexibility and Relief Procedures**

**Section 405.220 Minor Adjustment**

- A. Purpose
  - 1. The minor adjustment procedure is intended to allow minor modifications, waivers, or alternatives to strict compliance with the standards of this Code. Minor adjustments are intended to provide greater flexibility when necessary, without requiring a zoning map amendment (**Section 405.100**) or variance (**Section 405.230**).
- B. Applicability
  - 1. This Section applies to the following types of adjustments:
    - a. Modifications of 10 percent or less of any dimensional or numeric standard specified in the following:
      - (1) **Chapter 410, Article III, Measurements and Exceptions**
      - (2) **Chapter 415, Zoning Districts**
      - (3) **Chapter 420, Use Regulations**

**Commented [PN19]:** This is a new procedure intended to allow minor modifications, waivers, or alternatives to strict compliance with the standards of this Code.

The existing Code requires that any minor modifications, waivers, or alternatives require approval of a variance (Board of Adjustment) unless an alternative process is specified (for example, the number of parking spaces may be reduced through the site plan process).

- b. Modifications, waivers, and alternatives to strict compliance with the standards specified in the following:
    - (1) **Chapter 425, Article II, Landscape, Screening, and Fencing**
    - (2) **Chapter 425, Article III, Parking, Access, and Mobility**
    - (3) **Chapter 425, Article IV, Residential Site and Building Design**
    - (4) **Chapter 425, Article V, Mixed-Use and Nonresidential Site and Building Design**
    - (5) **Chapter 425, Article VI, Exterior Lighting**
    - (6) **Chapter 425, Article VII, Signs**
  - c. Other types of adjustments where specifically authorized elsewhere in this Code
2. Minor adjustments may only be used to adjust development standards on a single lot or two adjacent lots to address unique site constraints.
  3. The minor adjustment procedure shall not apply to any proposed modification or deviation that results in:
    - a. An increase in the overall project density;
    - b. A change in permitted uses or mix of uses;
    - c. A deviation from building or fire codes;
    - d. A deviation from the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
    - e. Requirements for public roadways, utilities, or other public infrastructure of facilities; or
    - f. A change to development standards where that same standard was already modified through a separate approval, minor adjustment or variance.
  4. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
    - a. Refer to **Table 405.010, Summary Table of Application Procedures**.
  2. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040** and the following modifications:
      - (1) An application for a minor adjustment shall only be submitted and reviewed concurrently with an application for building permit, preliminary plat (**Section 405.120**), site plan (**Section 405.160**), or special use permit (**Section 405.170**).
      - (2) Multiple adjustments may be considered in one minor adjustment application.
  3. Notice and Public Hearings

- a. If a public hearing and notice is required of the concurrent application as indicated in **Table 405.010**, *Summary Table of Application Procedures*, the application for minor adjustment shall also be scheduled for a public hearing before the applicable decision-making body and noticed in accordance with **Section 405.060**.
- 4. Review and Decision
  - a. Where the concurrently reviewed application requires review and approval by the Community Development Director, the Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.4.c**.
  - b. Where the concurrently reviewed application requires review and approval by the Planning and Zoning Commission or Board of Aldermen, the Commission or Board, as applicable, shall review and decide the minor adjustment application based on the criteria in **subsection C.4.c**.
  - c. *Review Criteria*. A minor adjustment shall be reviewed according to the following criteria:
    - (1) It is consistent with the stated purposes of this Code;
    - (2) It addresses unique aspects of the site or building;
    - (3) It will have no appreciable adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and
    - (4) Any adverse impacts resulting from the minor adjustment will be mitigated to the maximum practical extent.
- 5. Post-Decision Actions and Limitations
  - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Effect of Approval*. Approval of a minor adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.
    - (2) *Expiration of Approval*. A minor adjustment approval shall automatically expire if the concurrent application is denied or expires, is revoked, or otherwise deemed invalid.
    - (3) *Appeal*.
      - (a) Final decisions are not appealable.
      - (b) If an application is denied, the applicant may submit an application for a variance in accordance with **Section 405.230**.

### **Section 405.230 Variance**

#### **A. Purpose**

1. The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the standards of this Code would create an unnecessary hardship or practical difficulties preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

B. Applicability

1. This Section applies to all requested variances from the requirements of this Code, except where an alternative process is specified elsewhere in this Code.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary
  - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Pre-application Meetings
  - a. A pre-application staff meeting shall be held in accordance with **Section 405.030**.
3. Application Submission and Handling
  - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
4. Staff Review and Action
  - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Board of Adjustment in accordance with **Section 405.050**.
5. Notice and Public Hearings
  - a. The application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with **Section 405.060**.
6. Review and Decision-Making Bodies
  - a. Board of Adjustment Review and Decision
    - (1) The Board of Adjustment shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.b**. The Board of Adjustment may also continue the public hearing to a specific date in accordance with **Section 405.070**.
    - (2) The concurring vote of at least four members of the Board of Adjustment is necessary to approve a variance.
    - (3) In granting a variance, the Board of Adjustment may impose such conditions and restrictions upon the property benefited by the variance as may be necessary to comply with the standards set out in this Section to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of this Code.
  - b. Review Criteria
    - (1) *Variance Standards*. The Board of Adjustment shall not grant a variance unless it shall, in each case, make specific written findings of fact directly

based upon the particular evidence presented to it that support the following conclusions:

- (a) The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;
  - (b) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - (c) The strict application of the provisions of this Code from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application and would deprive the applicant of rights commonly enjoyed by other properties in the same district;
  - (d) Granting the requested variance will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district;
  - (e) Granting the variance desired will not violate the general spirit and intent of this Code or not adversely affect the public health, safety, order, convenience or general welfare of the community.
- (2) *Review Considerations.* In determining whether the evidence presented supports the conclusions required by this Section, the Board of Adjustment shall consider the extent to which the evidence demonstrates that:
- (a) The particular physical surroundings, shape or topographical condition of the property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of this Code were literally enforced;
  - (b) The request for a variance is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;
  - (c) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
  - (d) The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

7. Post-Decision Actions and Limitations

- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modification:

- (1) *Notice of Decision.* The Board of Adjustment shall render a written decision on an application for a variance without unreasonable delay and in no case after more than 30 days following the public hearing.
- (2) *Effect of Approval.* Approval shall authorize the applicant to apply for a building permit or begin construction or operation if additional permitting is not required.
- (3) *Appeal.* Any person or persons, or any officer, department, or board of the City jointly or severally aggrieved by the decision of the Board of Adjustment regarding the variance, may, within 30 days of the issuance of the decision of the Board, present to the circuit court of St. Charles 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.
- (4) *Expiration of Approval.* A variance shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.
- (5) *Amendments*
  - (a) Amendments to approved plans that decrease the degree of the approved variance may be classified as a minor amendment in accordance with **Section 405.080**, and may be approved by the Community Development Director without the need for a new application.
  - (b) Changes to approved plans that increase the degree of the approved variance shall be considered a major amendment in accordance with **Section 405.080** and shall be processed as a new application subject to the same procedures and requirements for the original application.

## Article VIII Appeal Procedures

### Section 405.240 Appeal of Administrative Enforcement

#### A. Purpose

1. To consider appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code or of any ordinance adopted pursuant to this Code.

#### B. Applicability

1. This Section applies to appeals of administrative actions which may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105 RSMo., as amended, representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer in accordance with the requirements of Sections 89.100 - 89.110, RSMo., as amended.

2. Appeals of final decisions by staff and the Planning and Zoning Commission on specific applications shall follow the procedures in **Section 405.250**, *Appeal of Final Decision*.
  3. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
    - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
  2. Application Submission and Handling.
    - a. The application shall be submitted and handled in accordance with **Section 405.040** and the following modifications:
      - (1) *Application Content*
        - (a) The aggrieved party shall file an appeal with a written statement specifying the grounds for appeal and perceived error in the administration or interpretation of the Code.
        - (b) The appeal submission shall also include all papers constituting the record upon which the appealed action was taken.
      - (2) *Submittal Deadline*. The appeal shall be filed with the Community Development Director or Public Works Director, as applicable, within 15 days of when the decision or judgment being appealed was made.
      - (3) *Stay of Proceedings*. The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to, or poses irreparable harm to, life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record.
  3. Staff Review and Action
    - a. The Community Development Director or Public Works Director, as applicable, shall review the application and prepare a staff report and recommendation to the Board of Adjustment in accordance with **Section 405.050** and the following modification:
      - (1) The Community Development Director or Public Works Director, as applicable, shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken.
  4. Notice and Public Hearings
    - a. The application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with **Section 405.060**, and the following modification:

- (1) The applicant of the original application shall be provided mailed notice of the appeal in accordance with **Section 405.060** if he/she is not the person filing the appeal.
5. Review and Decision-Making Bodies
    - a. Board of Adjustment Review and Decision
      - (1) The Board of Adjustment shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.b**. The Board of Adjustment may also continue the public hearing to a specific date in accordance with **Section 405.070**.
      - (2) The Board of Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
      - (3) The Board of Adjustment may affirm or reverse, wholly or partly, or modify the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Community Development Director.
      - (4) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Community Development Director or other administrative official.
    - b. Review Criteria
      - (1) An appeal of administrative enforcement shall be reviewed according to the following criteria:
        - (a) The facts stated in the application, as presented by the appellant and/or the Community Development Director;
        - (b) The requirements and intent of the applicable standards from this Code compared to the written decision that is being appealed;
        - (c) Evidence related to how the applicable standards from this Code have been administered or interpreted in the past; and
        - (d) Consistency with the Comprehensive Plan.
  6. Post-Decision Actions and Limitations
    - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
      - (1) *Notice of Decision*. The Board of Adjustment shall render a written decision on the appeal without reasonable delay, and in all cases within 60 days after the close of the public meeting.
      - (2) *Appeal*. Any person or persons, or any officer, department, or board of the City jointly or severally aggrieved by the decision of the Board of Adjustment regarding the appeal, may, within 30 days of the issuance of the decision of the Board, present to the circuit court of the 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.

- (3) *Effect of Approval*
  - (a) The decision of the Board of Adjustment shall have the same effect as the original administrative enforcement action being appealed.
  - (b) Decisions of the Board of Adjustment shall be subject to judicial review in the manner provided by the applicable Missouri Statutes.
- (4) *Expiration of Approval.* The period of validity of an approved appeal of administrative enforcement shall not expire.

**Section 405.250 Appeal of Final Decision**

- A. Purpose
  - 1. To consider appeals by applicants aggrieved by final decisions of City staff or the Planning and Zoning Commission.
- B. Applicability
  - 1. This Section applies to appeals of final decisions by City staff and the Planning and Zoning Commission on applications identified authorized by this Chapter and identified in **Table 405.010, Summary Table of Application Procedures.**
  - 2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C.** In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
  - 1. Summary
    - a. Refer to **Table 405.010, Summary Table of Application Procedures.**
  - 2. Application Submission and Handling.
    - a. The application shall be submitted to the Department of Community Development or Department of Public Works, as applicable, and handled in accordance with **Section 405.040** and the following modifications:
      - (1) Application Content
        - (a) The following persons and entities shall have standing to appeal the action of City staff or the decision-making body: the applicant for the original application; the Community Development Director, on behalf of any public official, department or agency; any owner of land that is the subject of the action or proposed action; and any person given the right of appeal by law.
      - (2) Submittal Deadline
        - (a) Appeals shall be filed with the Community Development Director or Public Works Director, as applicable, within 15 days of when a final decision was made.
      - (3) Burden of Proof
        - (a) The person or group of persons making the appeal shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate appellate body. Such proof shall include applicable

**Commented [PN20]:** The existing Code does not specify the appeal procedure for each application type. This Section addresses the procedures to appeal decisions by City staff or P&Z. Decisions by the Board of Aldermen and Board of Adjustment are appealed to the Circuit Court.

specific references within this Code, and shall be provided at the time of application.

3. Staff Review and Action
  - a. The Community Development Director or Public Works Director, as applicable, shall review the application and prepare a staff report to the appellate body in accordance with **Section 405.050** and the following modifications:
    - (1) Staff review of the appeal shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
    - (2) The staff report shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.
4. Notice and Public Hearings
  - a. If a public hearing and notice was required of the original application as indicated in **Table 405.010**, *Summary Table of Application Procedures*, the application shall be scheduled for a public hearing before the appellate body and noticed in accordance with **Section 405.060** and the following modification:
    - (1) The applicant of the original application shall be provided mailed notice of the appeal in accordance with **Section 405.060** if he/she is not the person filing the appeal.
5. Review and Decision-Making Bodies.
  - a. *Review and Decision.* The appellate body shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.b**. The appellate body may also continue the public hearing to a specific date in accordance with **Section 405.070**.
  - b. *Review Criteria.* An appeal of final decision shall be reviewed according to the application-specific review criteria for the original application.
6. Post-Decision Actions and Limitations
  - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
    - (1) *Appeal.* An applicant aggrieved or adversely affected by the decision of the Planning and Zoning Commission may appeal the decision to the Board of Aldermen by submitting a new application in accordance with the procedures and requirements of this Section.
    - (2) *Effect of Approval.* The decision of the appellate body shall have the same effect as the original decision.
    - (3) *Expiration of Approval.* The period of validity of an approved appeal of final decision shall not expire.

## Article IX Urban Redevelopment

### Section 405.260 Title, Designation and Authority

- A. This article shall be known and may be cited and referred to as the "Lake Saint Louis Urban Redevelopment and Procedures Ordinance". Authority for the enactment of this article is derived from Article VI, Section 21 and Article X, Section 7 of the Missouri Constitution, as well as Chapter 353, Revised Statutes of Missouri (2000), as amended, ("Chapter 353"), the Urban Redevelopment Corporations Law.

### Section 405.270 Preparation of Blighting Analysis

- A. The Board of Aldermen may authorize the City Administrator to prepare a blighting analysis or to select a planning consultant to prepare a blighting analysis evidencing conditions of blight existing within an area. Such blighting analysis may be used by the Board of Aldermen to determine if the area qualifies as a blighted area under Chapter 353 or any other economic development or redevelopment law of the State of Missouri, providing for the clearance, replanning, reconstruction or rehabilitation of a blighted area.

### Section 405.280 Invitation to Submit Proposed Development Plans

- A. Submission of proposal for development plans within Chapter 353 Area shall be subject to the following process:
1. Published notice
    - a. Upon request by the Community Development Director, the City Clerk shall publish a notice in the newspaper of general circulation inviting, and the City may otherwise request, the submission of proposed development plans in accordance with **Section 405.290, *Development Plan Contents***, regardless of whether the Board of Aldermen has, at the time of publication, determined that such area qualifies as a blighted area.
    - b. Such notice shall provide that proposed development plans must be submitted to the City within no less than 30 days nor more than 90 days following publication of such notice.
    - c. If the Board of Aldermen rejects all proposed development plans, or if none are submitted, the Board of Aldermen may direct the City Clerk to publish notice again and the period of submission of proposed development plans shall begin anew. Such notice shall be sufficient if it states that the City will consider one or more municipal finance incentives provided under state law in connection with the proposed project.
  2. Submitting parties
    - a. Notwithstanding anything to the contrary in **subsection A.1**, a party that meets the following criteria may submit a development plan for such site or portion thereof to the City at any time, regardless of whether an invitation to submit proposed development plans for such site has been published pursuant to **subsection A.1**:

- (1) Has previously responded to a request for redevelopment proposals for a specific site in the City; and
- (2) Has previously been designated by the Board of Aldermen as the developer for such specific site or portion thereof.

**Section 405.290 Development Plan Contents**

- A. Submission of a development plan shall comply with the following requirements:
1. Filing fee
    - a. Any party submitting a development plan for review shall submit the number of copies designated by the Community Development Director and shall submit a nonrefundable filing fee to the City of the amount to be determined by the Board of Aldermen to be used by the City to defray the expenses connected with the evaluation and review of the proposed development plan.
  2. Development Plan requirements
    - a. A development plan shall contain at least the following information and data:
      - (1) *Legal description and plat.* A legal description of the area by metes and bounds or other definite designation and a scaled plat of the area;
      - (2) *Design plan.* A narrative description and preliminary design plan of the proposed redevelopment project and schematic drawings and elevations describing the general location of structures, height, size and scale of structures, proposed land uses, open spaces, building materials, general landscaping and traffic circulation;
      - (3) *Project phases.* A statement of the various phases, if more than one is intended, by which the redevelopment project is proposed to be constructed or undertaken, and the approximate time limit for the commencement and completion of each phase, together with a legal description, or other definite designation, of the real property to be included in each phase;
      - (4) *Unit specifications; availability.* A statement of the character, type and quality of construction, and where applicable, the approximate number of units, the square footage of the various units, approximate rentals and approximate date of availability of the proposed units to be offered during the construction by each phase, if at all, or upon completion of the redevelopment project;
      - (5) *Property to be demolished.* A statement of the existing buildings or improvements in the blighted area proposed to be demolished, in whole or in part, if at all, and an estimate of the timing of such demolition;
      - (6) *Building rehabilitation.* A statement of existing buildings to remain, if any, the proposed improvements to each such building to remain and the approximate period of time during which such improvements, repairs or alterations are to be made;
      - (7) *New construction.* A statement of the general type, size, number, character and materials of each new industrial, commercial, residential or

- other building or improvement to be erected or made and the estimate of the timing of such construction;
- (8) *Open space and other amenities.* A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space or improved with other amenities, the use to which each such space is to be put, the period of time each such space will be required to remain an open space or used for other amenities and the manner in which it will be improved and maintained;
  - (9) *Property for public agencies.* A statement of those portions, if any, of the area which are proposed to be sold, donated, exchanged or leased to any public agency and an outline of the terms of such proposed sale, donation, exchange or lease;
  - (10) *Zoning changes.* A statement of the proposed changes, if any, in the Zoning Ordinance or zoning map, necessary or desirable for the redevelopment project and its protection from blighting influences;
  - (11) *Street changes.* A statement of the proposed changes in streets or street levels and proposed street closings within, adjacent to, or in the proximity of the area, if any;
  - (12) *Utility changes.* A statement of the changes, if any, which will be required in utility sources to accommodate the redevelopment project and changes, if any, in utility lines, easements, or locations;
  - (13) *Acquisition plan, eminent domain.* A statement giving: (i) the legal description, or other definite designation, of the real property owned or under option or contract to purchase by the corporation or its agent or affiliates; (ii) where known, or in the event the parties are unable to conclude a voluntary conveyance, designation of the real property proposed to be acquired by eminent domain by the corporation; and (iii) the time schedule for acquisition by either negotiated purchase or exercise of the power of eminent domain;
  - (14) *Eminent domain by City.* A statement giving the legal description of the real property, if any, proposed to be acquired by the City on behalf of the corporation, the terms and conditions for such acquisition, and the reasons why the aid of the City is sought for this purpose;
  - (15) *Financing.* A detailed statement of the proposed method of financing the redevelopment project which shall set forth the estimated development costs of the project and the proposed sources of funds, debt and equity, to meet such estimated costs; a signed letter of commitment from the financing entity evidencing that construction financing has been approved for the redevelopment project (which letter may be conditioned upon and subject to completion of final plans and specifications, final approval by the City of the development plan, negotiation of the development contract and such other standard conditions as are found in construction financing commitment letters); a detailed statement of the

projected revenues and expenses during the first five years in which the project is in operation; and the assurances, including performance bonds, if any, to be given to the City by the corporation and its affiliates for the corporation's performance of its obligations;

- (16) *Management.* A list of the persons proposed to be active in or associated with the management of the redevelopment project during a period of at least two years following completion of construction and a list of the officers, directors and principal stockholders of the corporation;
- (17) *Qualifications.* A statement detailing the experience and qualifications of the person or corporation, including any principals, submitting the proposed development plan and proposed to be actively involved in the overall direction and implementation of the redevelopment project;
- (18) *Public property.* A statement listing any real property in the area in public use or belonging to the City, county, state or any political subdivision, thereof, together with a statement that the consent of such entity, other than City, has been obtained for the acquisition of such property if such property is to be acquired; and
- (19) *Relocation.* A statement of the proposed plan, if any, for the relocation of those persons who will be displaced by the redevelopment project and the estimated costs thereof.
- (20) *Other information.* The development plan may also contain such other statements or exhibits as may be deemed relevant by the corporation or is requested by the Board of Aldermen.

#### **Section 405.300 Supporting Evidence of Blight**

- A. Any application for approval of a development plan shall be supported by factual evidence of blight that:
  1. Relates to the area generally;
  2. Relates to each specific property proposed to be acquired by the corporation;
  3. Is sufficient to show that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes; and
  4. Is sufficient to support a finding of blight by the Board of Aldermen, in compliance with state law.

#### **Section 405.310 Public Hearing**

- A. At such time as determined by the City following the final date for submission of proposed development plans, and if a proposed development plan, or more than one such plan, has been submitted, the City Clerk shall publish notice in a paper of general circulation notifying all interested parties in the proposed development plan(s) that a public hearing will be held on a date and time certain, provided that the

public hearing shall not be held less than 15 days prior to nor more than 30 days following publication of the notice provided for in this section.

- B. At the public hearing, interested parties shall be afforded an opportunity to comment on the proposed grant of rights or powers to a corporation with respect to a blighted area including, but not limited to, eminent domain.
- C. In addition, if real property tax abatement is included in a proposed development plan, the City shall furnish each political subdivision whose boundaries for ad valorem tax purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxation such tax abatement or exemption will have on such political subdivision and a written notice of the public hearing to be held pursuant to this section. The written statement and notice required by this section shall be mailed to each political subdivision by registered or certified mail, postage prepaid, return receipt requested, at least 10 days prior to the hearing.

#### **Section 405.320 Preliminary Approval of Development Plan**

- A. Upon receipt of a proposed development plan containing the information as required in **Section 405.290, *Development Plan Contents***, the Board of Aldermen shall review the submitted material in accord with the following provisions:
  - 1. The Board of Aldermen may request, and receive, clarification of any proposed development plan. The Board of Aldermen in its discretion, may waive any irregularity or omission in any proposed development plan;
  - 2. Following the public hearing, the Board of Aldermen shall consider the merits of the proposed development plan(s) and, in its discretion, by resolution, preliminarily, either:
    - a. Approve a development plan as proposed,
    - b. Approve a development plan with modifications and conditions, or
    - c. Disapprove a proposed development plan;
  - 3. Following preliminary Board of Aldermen approval, the person or corporation submitting the proposed development plan shall file evidence with the City Clerk that it is a lawfully organized corporation and that such corporation is in good standing existing under Chapter 353.

#### **Section 405.330 Final Approval of Development Plan**

- A. Final approval of a proposed development plan shall be by ordinance. The ordinance approving a development plan shall contain:
  - 1. A finding that the area qualifies as a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for public convenience and necessity and constitutes a public purpose;
  - 2. A finding that construction of the redevelopment project is necessary for the preservation of the public peace, property, health, safety, morals and welfare;
  - 3. If the Board of Aldermen so determines, the finding and declaration that the exercise of the power of eminent domain by the corporation is necessary to

accomplish the purposes of the redevelopment project and is in the best interests of the City;

4. Authority for the Mayor to enter into a development contract on behalf of the City with the corporation;
5. A designation of the time within which all real property in the blighted area must be acquired by the corporation, which may include acquisition by phases, and provision for the expiration of development rights including the right of eminent domain in the event of failure of the corporation to acquire ownership of the real property within the blighted area within the time limits specified;
6. A provision limiting the use of the blighted area to the use(s) described in the approved development plan for a period of years;
7. Such other matters as may be deemed relevant by the Board of Aldermen, including, but not limited to, liquidated damages and amount of performance and payment bonds, if any; and
8. If the Board of Aldermen so determines, a provision authorizing that any surplus earnings in excess of the rate of net earnings provided in Chapter 353 may be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or to be used to accelerate the amortization payments; or for the enlargement of the redevelopment project; or for reduction in rentals therein.

#### **Section 405.340 Tax Abatement**

- A. Subject to approval of a development plan and other provisions of this Article, the general ad valorem taxes on real property within the Chapter 353 Area may be abated subject to the following:
  1. The real property of a corporation acquired pursuant to this article shall not be subject to assessment or payment of general ad valorem taxes imposed by the City, or by the state or any political subdivision thereof, for a period of not in excess of 10 years after the date upon which such corporation becomes owner of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of assessed valuation of the land, exclusive of improvements, acquired pursuant to this article and owned by such corporation, as was determined by the county assessor for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property; and the amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with the development plan authorized by the Board of Aldermen.
  2. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor shall, upon acquisition of title thereto by the corporation, promptly assess such land,

exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to this Section so long as such real property is owned by such corporation and used in accordance with the development plan and approved by the Board of Aldermen.

3. For the next ensuing period not in excess of 15 years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor upon the basis of not to exceed 50% of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above 50% of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by the corporation and used in accordance with an authorized development plan.
4. After a period totaling not more than 25 years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided that after the completion of the redevelopment project as authorized by law or ordinance whenever any corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the conditions, restrictions or provisions of this section, the approving ordinance and any rule or regulation adopted pursuant to this article.
5. Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between the City and the corporation which receives tax abatement or exemption on property pursuant to Chapter 353. Such payment shall be made to the collector of revenue of St. Louis County by December 31 of each year that payments are due. The Board of Aldermen shall furnish the collector a copy of such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

#### **Section 405.350 Acceptance by Corporation**

- A. Authorization for the urban redevelopment corporation to proceed with the redevelopment plan shall be subject to the following:
  1. Upon enactment of an ordinance approving a development plan, the City shall enter into a development contract with the corporation pursuant to the terms and conditions set forth in this article and the ordinance approving the development plan. The corporation shall not have any of the benefits of the ordinance

approving the redevelopment plan until it has executed the development contract, by its duly authorized officers.

2. A copy of the development contract between the City and the corporation for carrying out the development plan shall be recorded by the corporation in the office of the St. Charles County Recorder of Deeds and proof of such recording shall be filed with the City Clerk. True copies of the development plan approved by the Board of Aldermen by ordinance shall be retained with the authorizing ordinance by the City Clerk.

#### **Section 405.360 Compliance with other City Ordinances**

- A. Prior to the commencement of an approved redevelopment project, the corporation shall comply with all other applicable ordinances, including without limitation, as necessary, all procedures for rezoning, subdivision approval, street vacation and establishment.
- B. The corporation shall pay when due and payable all such fees, licenses and other charges required by the ordinances of the City applicable to such corporation or the redevelopment project to be undertaken.

#### **Section 405.370 Monitoring of Compliance, Time Extensions, and Certification of Completion**

##### **A. Building Permits**

1. In the event an ordinance approves a development plan for a blighted area, no building permit for construction in the area shall be issued unless the building plans are found by the Community Development Director to be in substantial compliance with the approved development plan, as same may have been amended, modified or changed by ordinance, for the period during which the development plan is in effect, and in compliance with all other applicable City ordinances.

##### **B. Investigation and Reports**

1. It shall be the duty of the Community Development Director, after a development plan has been approved by the Board of Aldermen, to investigate and determine from time-to-time during construction of the redevelopment project whether the corporation undertaking such development plan is fully complying with the provisions thereof and its development contract with the City, and all other applicable City ordinances, in the manner and at the times fixed therein for the performance of the various phases thereof. The Community Development Director shall make periodic reports to the Board of Aldermen and the Mayor regarding same.

##### **C. Time Extension**

1. The Board of Aldermen may, for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any phase, state or portion thereof.

##### **D. Recommendation of Certification**

1. When a corporation operating under an approved development plan shall have completed the redevelopment project, or any phase thereof, in accordance with the provisions of the development plan and all applicable City ordinances, the Community Development Director, upon the written request of such corporation, shall conduct an investigation, and if the Community Development Director determines that the redevelopment project or such phase thereof has been so completed, he shall recommend to the Board of Aldermen that a certificate of full compliance in recordable form be issued to such corporation for such phase or for the entire redevelopment project, as the case may be.
2. In the event it is determined that the redevelopment project or any phase thereof has not been so completed, then the Board of Aldermen shall give notice by certified mail, return receipt requested, to the corporation stating the reasons for the finding that there has not been substantial compliance.

#### **Section 405.380 Conveyance of Property**

- A. A corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. Any such conveyance or other disposition shall be subject to the terms of the approved development plan and development contract.

#### **Section 405.390 Remedies**

- A. Whenever any corporation operating under, or availing itself of the benefits of, a development plan, does not substantially comply with the development plan and the development contract with the City within the time limits and in the manner as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do or permit to be done anything in violation of the development plan, the development contract or this article, or omits to do anything required of it by the development plan, the development contract or this article, or shall be about so to do, permit to be done, or fail or omit to have done, then suit may be filed by the City for injunctive relief and/or for damages against the corporation for breach of any of the terms, conditions and covenants of the development plan, the development contract or this article. The Board of Aldermen may elect to terminate a development contract for nonperformance or breach by the corporation. In the event the City prevails in any action hereunder, it shall recover all of its attorney's fees, costs and damages arising out of such action.

#### **Section 405.400 Acceptance of Application of State Enabling Act**

- A. The provisions of Chapter 353, RSMo., are hereby accepted and shall apply to all persons and corporations operating under this article insofar as the same may be applicable thereto.

## Chapter 410 Definitions and Interpretations

### Article I Rules of Interpretation

#### Section 410.000 Meanings and Intent

- A. All provisions, terms, phrases, and expressions in this Code shall be constructed according to the general intent purpose set forth in **Section 400.020**, and the specific purpose statements elsewhere in this Code. If a specific section provides a different meaning of a term defined for general purposes in this Chapter, the specific section's meaning and application shall control.

#### Section 410.010 Headings, Illustrations, and Non-regulatory Provisions

- A. In case of any difference of meaning or implication between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.
- B. Intent statements, graphics, and commentary, such as captions to graphics or notes in tables, are an aid to interpretation of the standards. In the event of any conflict or ambiguity between the intent statements, graphics, or commentary and a specific standard, the specific standard shall control.

#### Section 410.020 Lists and Examples

- A. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of these lists including other similar and non-mentioned examples.

#### Section 410.030 Terms, Tenses and Plurals

- A. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
- B. "Must" or "shall" is mandatory and not discretionary.
- C. "Should" or "may" is permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
- D. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.

#### Section 410.040 Computations of Time

- A. The day of the act that commences a time period shall not be counted.
- B. The last day of the time period shall be included unless it is a Saturday, Sunday, or legal City holiday, in which case the next working day shall end the time period.
- C. Whenever any time period is expressed for a formal submission to the City, the time period shall end at 4:00 P.M. on the last day of that time period.
- D. Any time period expressed in years shall include a full calendar year from the act that commences the time period.

**Commented [PN21]:** All terms in this Code are defined in this Chapter. In the existing code, terms are defined in multiple chapters, and the same term is often defined more than once, which leads to confusion and conflicting requirements.

**Section 410.050 References to Other Regulations, Publications, and Documents**

A. Any reference to other official local, state, or federal government rules or regulations shall include the current versions of those regulations, provided they remain binding or are consistent with the purposes, intent, and objectives included in these regulations.

**Section 410.060 References to Persons and Ownership**

- A. References to a person shall include individuals, partnerships, agencies, corporations, or other legal entities
- B. Cooperatives, condominiums and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

**Section 410.070 Delegation of Authority**

A. A reference to an administrative official shall refer to that official, or his or her official designee, and all references to specific City officials may also include any other designee of the City Administrator.

**Section 410.080 Resources, Guides and Industry Standards**

- A. Resources, guides, and industry standards that are recognized as reputable authority in the planning, development and urban design professions may be used in the interpretation of technical terms and requirements set forth in this Code upon approval of the Community Development Director, or his/her designee, if he/she determines that the content is consistent with the purposes, intent, and design objectives of these regulations and the policies of the Comprehensive Plan.
- B. Use of these guides shall only be to the extent that it is consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify, contradict, or in any way conflict with any specific standard in these regulations.

**Article II Defined Terms**

**Section 410.090 General Terms**

A. For the purposes of this Code, certain general terms or words used herein are defined as follows, unless the context clearly indicates otherwise.

<b>100-Year Flood</b>	See "BASE FLOOD".
<b>Accessibility Ramps</b>	Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.
<b>Accessory Equipment</b>	As used in the context of Section 420.110, Wireless Communications, 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.
<b>Actuarial Rates</b>	See "RISK PREMIUM RATES".

**Commented [PN22]:** Existing terms still in use were updated for compliance with state statute, case law, or current policies and practices.

Terms no longer in use were removed.

New terms were added.

<b>Agricultural Commodities</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, agricultural products and livestock.
<b>Agricultural Structure</b>	<p>Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.</p> <p>As used in the context of Chapter 425, Article IX, Floodplain Management, structures including but not limited to, outbuildings, sheds, barns, tack rooms, stables, etc. which are primarily intended for the storage of equipment and supplies associated with an agricultural use on the same site.</p>
<b>Alley</b>	A minor public or private right-of-way providing secondary vehicular access to the rear or side of a lot, block, or parcel of land otherwise abutting a street.
<b>Antenna</b>	Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.
<b>Appeal</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a request for review of the Floodplain Administrator's interpretation of any provision Chapter 425, Article IX, Floodplain Management, or a request for a variance.
<b>Applicant</b>	The author or contact person responsible for completing and submitting an application established in this Code.
<b>Appurtenant Structure</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
<b>Arbor</b>	A shady garden alcove with sides and a roof formed by trees or climbing plants trained over a wooden framework.
<b>Architectural Features</b>	The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, bay windows, roof overhangs, and similar features.
<b>Area</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, that portion of the City which the Board of Aldermen has found or shall find to be blighted, following a public hearing thereon, so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of Chapter 353, RSMo., as amended, and Chapter 405 Article IX, Urban Redevelopment. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.
<b>Area Of Special Flood Hazard</b>	The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

<b>Awning</b>	A sheet of canvas or other material stretched on a frame and affixed to a building directly above a doorway or windows.
<b>Balcony</b>	A platform structure supported by and projected from or inset into the exterior of a building having sole access from said building.
<b>Base Flood</b>	The flood having a one percent chance of being equaled or exceeded in any given year.
<b>Basement</b>	A building story partly or wholly below grade.  As used in the context of Chapter 425, Article IX, Floodplain Management, any area of the structure having its floor subgrade (below ground level) on all sides.
<b>Berm</b>	A raised form of earth to provide screening or to improve the aesthetic character.
<b>Blighted Area</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, that portion of the City which the Board of Aldermen determines is a "Blighted area" based on written findings in accord with the applicable provisions of Chapters 67, 99, 100, or 353 of the Revised Statutes of Missouri.
<b>Blighting Analysis</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, a written analysis of the conditions of an area confirming that such area qualifies as a blighted area.
<b>Block</b>	One or more individual lots or building sites entirely surrounded by streets or by any combination of streets, internal drives, open space, watercourses, or railroad right-of-way.
<b>Boat Docks</b>	An accessory structure intended solely for the purpose of mooring a boat or boats.
<b>Building</b>	Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and includes any structure.  For the purposes of Chapter 430, Article IX, <i>Floodplain Management</i> , see "STRUCTURE".
<b>Building Façade Area</b>	See Section 425.520, Sign Measurements.
<b>Building Separation</b>	See Section 410.130, Setback Standards
<b>Building, Accessory</b>	A building that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied in conjunction with a permitted accessory use.
<b>Building, Principal</b>	A building from which the principal use of the lot is conducted and/or located.

<b>Cabinet</b>	As used in the context of Section 420.110, Wireless Communications, a structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior and that has a horizontal dimension that does not exceed four feet by six feet and a vertical height that does not exceed six feet.
<b>Caliper</b>	The diameter of a tree measured at six inches above ground.
<b>Canopy</b>	A permanent, but not completely enclosed structure, which may be attached to or near a building for the purpose of providing shelter.
<b>Canopy Tree</b>	Deciduous trees that have a minimum height of 30 feet at maturity.
<b>Caretaker's Residence</b>	A dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.
<b>Carport</b>	A roofed accessory structure designed or used for the storage of a vehicle by the occupant of the building to which it is accessory.
<b>Chief Executive Officer Or Chief Elected Official</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.
<b>City</b>	The City of Lake Saint Louis, Missouri.
<b>City Attorney</b>	The licensed attorney designated by the Board of Aldermen to furnish legal assistance for the administration of these regulations.
<b>Collector Roads</b>	A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision.
<b>Collocation</b>	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.
<b>Commercial Vehicle</b>	As defined in Section 365.080 of the Municipal Code, Definitions.
<b>Common Ground</b>	Natural or landscaped open space within or related to a development, not in individually owned lots, designed and intended for siting common facilities (e.g., recreation facilities and storm drainage detention facilities) and for the common use of the residents and property owners of the development. Common ground is intended to be synonymous with common open space, common land, and common area when used in the appropriate context.
<b>Community</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
<b>Community Forest, Private</b>	All trees within municipal boundaries but not owned by the City.

<b>Community Forest, Public</b>	All street and park trees and other trees owned by the City as a total resource.
<b>Comprehensive Plan</b>	A Comprehensive Plan for development of the City prepared and adopted by the Planning and Zoning Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.
<b>Condominium</b>	Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interest in the common elements are vested in the unit owners.
<b>Construction Trailer</b>	Construction trailers are mobile structures used to accommodate temporary offices, dining facilities, and storage of building materials during construction projects.
<b>Construction Work</b>	The taking of possession of land, clearance of the area, erection of improvements and all other related matters to effectuate an approved development plan causing the physical rehabilitation, construction, reconstruction and redevelopment of the area.
<b>Corporation</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, an urban redevelopment corporation organized and existing under and pursuant to the provisions of Chapter 353.
<b>Courtyard</b>	An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building and its accessory structures.
<b>Cul-De-Sac</b>	A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal (turnaround) of traffic movement.
<b>Deciduous</b>	Plants that seasonally shed leaves, usually in the autumn.
<b>Decks</b>	An above ground platform, freestanding or projecting from the wall of a structure and supported by posts or pillars.
<b>Density, Net</b>	See Section 410.140, Other Standards
<b>Deposit</b>	Any form of security including a cash, letter of credit or surety bond, provided to the City to ensure the completion of work in conformance with a permit or approval.
<b>Detention Basin(S)</b>	A manmade structure designed and constructed to temporarily impound stormwater runoff and allow a controlled release or discharge of water at a pre-developed rate.
<b>Developer</b>	A person, firm, or corporation undertaking land development activity, including the subdivision of land and other improvements to land, pursuant to the requirements of this Code.

**Development** The performance of any building activity or the making of any material change to any structure or natural surface of land to include activities that change or disturb the natural surface of the land such as clearing, excavating and filling; or any change in the use or appearance of any structure or land; or the division of land into two or more parcels for the creation or termination of rights of access.

For the purposes of Chapter 430, Article IX, Floodplain Management, any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development Contract** As used in the context of Chapter 405, Article IX, Urban Redevelopment, that contract or agreement entered into between the City and a corporation pursuant to an approved development plan.

**Development Plan** As used in the context of Chapter 405, Article IX, Urban Redevelopment, a plan, including a blighting analysis, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

**Diameter At Breast Height (Dbh)** The diameter of a tree measured at four feet above ground.

**Disguised Support Structure** Any freestanding, manmade structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately-placed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of utilities leading to the structure. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, water towers, light standards, flagpoles and artificial trees.

**Display House** A detached house, duplex, or townhouse constructed for the purpose of marketing or promoting the sale of lots or sale/lease of dwelling units in a subdivision or development.

**Donation Collection Bin** A small freestanding receptacle used to collect donated materials from the public.

**Drive-Through/Drive-Up Facility** Uses at which an occupant of a vehicle may make use of the service or business without leaving their vehicle.

**Dwelling Unit** Any building or portion of a building intended for use and occupancy by a single household.

**Easement** Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his/her property.

**Elevated Building** As used in the context of Chapter 425, Article IX, Floodplain Management, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

<b>Eligible Community Or Participating Community</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a community for which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
<b>Evergreen</b>	A plant that retains green leaves throughout the year.
<b>Existing Construction</b>	For the purposes of determining rates, structures for which the "start of construction " commenced before the effective date of the FIRM or before January 1, 1975, for FIRM effective before that date. "Existing construction " may also be referred to as "existing structures".
<b>Existing Manufactured Home Park Or Subdivision</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
<b>Expansion To An Existing Manufactured Home Park Or Subdivision</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
<b>FAA</b>	The Federal Aviation Administration.
<b>Façade</b>	The exterior walls of a building or building face exposed to public view.
<b>Family</b>	See Household.
<b>FCC</b>	The Federal Communications Commission.
<b>Fence</b>	A structure erected at or above grade, either attached to another structure or freestanding, as a dividing marker, partition or barrier, excluding tie walls and retaining walls.
<b>Flagpoles</b>	A pole used for flying a flag.
<b>Flood Boundary And Floodway Map (FBFM)</b>	An official map of a community on which the Federal Insurance Administrator has delineated both special flood hazard areas and the designated regulatory floodway.
<b>Flood Elevation Determination</b>	A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
<b>Flood Elevation Study</b>	An examination, evaluation and determination of flood hazards.
<b>Flood Fringe</b>	The area outside the floodway encroachment lines but still subject to inundation by the regulatory flood.
<b>Flood Hazard Boundary Map (FHBM)</b>	An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

<b>Flood Insurance Rate Map (FIRM)</b>	An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
<b>Flood Insurance Study (FIS)</b>	An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
<b>Flood Or Flooding</b>	A general and temporary condition of partial or complete inundation of normally dry land areas from: <ol style="list-style-type: none"> <li>1. The overflow of inland and/or</li> <li>2. The unusual and rapid accumulation or runoff of surface waters from any source.</li> </ol>
<b>Floodplain Management</b>	The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
<b>Floodplain Management Regulations</b>	Zoning ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.
<b>Floodplain Or Flood-Prone Area</b>	Any land area susceptible to being inundated by water from any source (see "FLOODING").
<b>Floodproofing</b>	Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
<b>Floodway Encroachment Lines</b>	The lines marking the limits of floodways on Federal, State and local floodplain maps.
<b>Floodway Or Regulatory Floodway</b>	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
<b>Floor Area Ratio Freeboard</b>	See Section 410.140, Other Standards
<b>Freeboard</b>	A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.
<b>Functionally Dependent Use</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

<b>Garage</b>	A part of a principal building or a detached accessory structure used for the parking or storage of vehicles as an accessory use.
<b>Garage Sales</b>	As defined in Section 245.2210, <i>Definitions</i> , of the Municipal Code.
<b>Gazebos</b>	A freestanding, unenclosed, roofed structure which provides shade, shelter, ornamental features in a landscape, and a place to rest.
<b>Golf Course Lot</b>	A lot with a portion of its property line abutting a golf course.
<b>Grade</b>	The elevation of the natural or finished surface of the ground. The slope of a road, street or other public way, specified in percentage terms.
<b>Gross Floor Area</b>	See Section 410.140, Other Standards
<b>Height</b>	See Section 410.140, Other Standards
<b>Highest Adjacent Grade</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
<b>Historic Structure</b>	Any structure that is: <ol style="list-style-type: none"> <li>1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;</li> <li>2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;</li> <li>3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or</li> <li>4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by: <ol style="list-style-type: none"> <li>5. An approved State program as determined by the Secretary of the Interior, or</li> <li>6. Directly by the Secretary of the Interior in States without approved programs.</li> </ol> </li> </ol>
<b>Home Occupation</b>	A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and that does not adversely or perceptively affect the character of the lot or surrounding area.
<b>Household</b>	An individual or any group of individuals living together in a dwelling unit and sharing a common kitchen facility, household expenses and utilities; not including group quarters such as dormitories, fraternities, sororities, motels, hotels, rooming houses, or boarding houses.

**Improvement, Public** Any drainage ditch or engineered channel, storm or sanitary sewer, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, site improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

**Improvement, Site** Constructed utilities, roads, driveways, parking areas, landscaping, sidewalks, or structures on a site.

**Lake Lot** A lot with a portion of its property line abutting Lake Saint Louis or Lake Saint Louise.

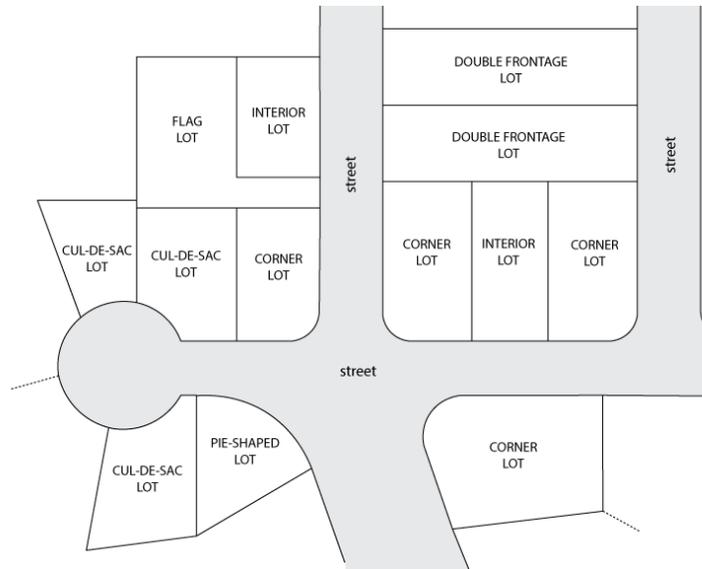
**Landmark Tree** A tree in fair or better condition, which is not considered an invasive species, and equals or exceeds these diameter sizes:

- Large hardwoods (oaks, hickories, etc.) — 24 inches DBH.
- Large softwoods (pines, spruces, etc.) — 20 inches DBH.

For the purposes of this definition, "fair or better condition" means a tree having a normal life expectancy, a relatively sound and solid trunk with no extensive decay, no more than one major and several minor dead limbs (hardwoods only) and no major insect or disease problems.

A lesser sized tree can be considered a landmark tree if it is a rare or unusual species, of exceptional quality or of historical significance.

**Lot** A parcel, tract, or area of land established by a subdivision plat or otherwise permitted by law, to be separately owned, used, developed or built upon.



*Figure 410.090-1: Lot Types*

<b>Lot Area</b>	See Section 410.120, Lot Standards
<b>Lot Coverage</b>	See Section 410.140, Other Standards
<b>Lot Depth</b>	See Section 410.120, Lot Standards
<b>Lot Frontage</b>	The portion of the lot that directly abuts a street or waterbody.
<b>Lot Line</b>	A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.



Figure 410.090-2: Lot Lines

- Lot Line, Front** The lot line separating a lot from a street right-of-way. On corner lots and double-frontage lots, each lot line with street frontage is considered a front lot line. See Figure 410.090-2.
- Lot Line, Rear** The lot line opposite and most distant from the front lot line. On corner lots, the lot line opposite the front lot line with the least amount of frontage is the rear lot line. On double frontage lots and pie-shaped lots, there is no rear lot line. See Figure 410.090-2.
- Lot Line, Side** Any lot line other than a front or rear lot line. See Figure 410-090-2.
- Lot Width** See Section 410.120, Lot Standards
- Lot, Corner** A lot located at the intersection of two streets that has frontage on each street. See Figure 410.090-1.
- Lot, Double Frontage** A lot having a frontage on two non-intersecting streets. Also known as a through lot. See Figure 410.090-1.
- Lot, Flag** A lot with access provided to the bulk of the lot by a narrow corridor of property. See Figure 410.090-1.
- Lot, Interior** A lot having a frontage on one street and all other lot lines being shared with adjacent lots, not right-of-way. See Figure 410.090-1.

<b>Lowest Floor</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements.
<b>Maintenance</b>	The act of maintaining or preserving including, but not limited to, operation construction and reconstruction.
<b>Manufactured Home</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
<b>Manufactured Home Park Or Subdivision</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
<b>Map</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).
<b>Marijuana Or Marihuana</b>	Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. Marijuana or marihuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry-weight basis, or commodities or products manufactured from industrial hemp.
<b>Marijuana-Infused Products</b>	Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.
<b>Market Value Or Fair Market Value</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, an estimate of what is fair, economic, just and equitable value under normal local market conditions.
<b>Mean Sea Level</b>	For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.
<b>Mechanical Equipment</b>	Equipment, devices and accessories, the use of which relates to water supply, drainage, heating, ventilating, air-conditioning and similar purposes.

<b>Message, Commercial</b>	Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.
<b>Message, Noncommercial</b>	Any sign, wording or logo that does not represent a commercial message or commercial speech. Such signs may express messages that include, but are not limited to, free speech opinions, ideological messages, religious messages, and political messages.
<b>Mobile Food And Beverage Service</b>	A food and beverage retail use that utilizes any motorized or non-motorized vehicle, trailer, or other device designed to be small-scale and portable and not permanently attached to the ground for preparing and selling food and beverages for on- or off-premise consumption.
<b>Natural Watercourse</b>	A channel formed in the existing surface topography of the earth prior to manmade changes.
<b>New Construction</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction " commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
<b>New Manufactured Home Park Or Subdivision</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.
<b>NFIP</b>	The National Flood Insurance Program (NFIP).
<b>Nonconforming Building Or Structure</b>	A building or structure that was lawfully established in accordance with the zoning requirements in effect at the time of its establishment but that is no longer in compliance with one or more dimensional standards of this Code.
<b>Nonconforming Lot</b>	A tract of land designated on a duly recorded subdivision plat, by a duly recorded deed or by other lawful means that does not comply with minimum lot standards of the zoning district in which it is located.
<b>Nonconforming Sign</b>	A sign that was lawfully established prior to the effective date of this Code but no longer complies with the requirements of this Code.

<b>Nonconforming Site Feature</b>	Any driveway, off-street parking or loading area, landscaping, buffer, screening, exterior lighting or other similar improvement or man-made feature that was lawfully existing per regulations in place prior to the effective date of this Code, as well as the lack of any such feature required by subsequently enacted City regulations.
<b>Nonconforming Use</b>	A use that was lawfully established in accordance with the zoning requirements in effect at the time of the use's establishment but that is no longer permitted by the use regulations of the zoning district in which the use is now located. This includes existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land.
<b>Outdoor Dining</b>	Areas on sidewalks (public or private), patios, or other unenclosed areas, that are designated for outdoor seating where patrons may be serviced food and beverage for on-site consumption.
<b>Outdoor Displays And Sales</b>	The placement of products or materials for sale outside of a retail or wholesale sales establishment.
<b>Outdoor Storage</b>	The keeping, in an unenclosed area, of personal or business property, goods, wares, inventory or merchandise, in the same place, for a period of more than 24 hours. This use category shall not include automotive and motor vehicle sales and lease establishments.
<b>Owner</b>	Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title or sufficient proprietary interest in the land.
<b>Parcel</b>	Any tract, lot, or area of land shown as a unit on the latest county tax assessment records.
<b>Parking</b>	An area designated for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.
<b>Participating Community</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a community in which the Federal Insurance Administrator has authorized the sale of flood insurance. Also known as an "eligible community".
<b>Patio</b>	Outdoor hard surfaced areas that are no higher than 18 inches above the ground.
<b>Pergola</b>	A structure, freestanding or attached to a building, open on all sides with an open roof of girders and cross rafters.
<b>Permit</b>	Written permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.
<b>Permittee</b>	Any person to whom a permit has been granted by the City under this Code.

<b>Person</b>	Any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.
<b>Play Equipment</b>	Outdoor apparatus designed for children's play, including swing sets, treehouses, trampolines, and soccer goals.
<b>Porch</b>	An unenclosed projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.
<b>Port Cocheres</b>	An unenclosed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.
<b>Portable Storage Container</b>	As defined in Section 530.010, <i>Definitions</i> , of the Municipal Code.
<b>Premises</b>	That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants.
<b>Primary Colors</b>	Red, blue and yellow.
<b>Principally Above Ground</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, at least 51 percent of the actual cash value of the structure, less land value, is above ground.
<b>Public Facility</b>	Any improvement or modification to the built or natural environment intended to serve the public interest or to be accessed or used by the general public regardless of ownership such as detention basins, streets (public or private), parking lots, etc.
<b>Public Hearing</b>	An official meeting before a review or decision-making body held under public notice intended to inform the public and obtain public input.
<b>Qualified Solar Installer</b>	A person who is licensed by St. Charles County as an electrician and who has skills and knowledge related to the construction and operation of solar energy systems and solar energy equipment, and has received safety training on the hazards involved. Licensed electricians who are certified as solar installers by the North American Board of Certified Energy Practitioners (NABCEP) shall be deemed to be "qualified solar installers" for the purpose of this definition. Electricians licensed by St. Charles County who are not on the NABCEP's list of certified installers may be deemed to be "qualified solar installers" if the City's Chief Building Official determines such persons have had adequate training to safely perform the installation, maintenance or repair of a solar energy system and its component parts.
<b>Rain Barrels</b>	A water tank used to collect and store rain water runoff, typically from rooftops via pipes.

<b>Real Property</b>	Lands, buildings, improvements, land under water, waterfront property and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein or appurtenant thereof, legal or equitable, including restrictions of record, created by plat, covenant or otherwise, rights-of-way and terms for years.
<b>Reasonable Degree Of Maintenance</b>	Reasonable Degree of Maintenance shall be determined based upon the uniform application of standards prepared by the Public Works Director.
<b>Recreational Courts (Outdoor)</b>	An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.
<b>Recreational Vehicle</b>	As defined in Section 365.080: Definitions.  For the purposes of Chapter 430, Article IX, Floodplain Management, a vehicle which is: <ol style="list-style-type: none"> <li>1. Built on a single chassis;</li> <li>2. Four hundred square feet or less when measured at the largest horizontal projections;</li> <li>3. Designed to be self-propelled or permanently towable by a light-duty truck; and</li> <li>4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.</li> </ol>
<b>Redevelopment</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, the clearance, replanning, reconstruction or rehabilitation of a blighted area, in whole or in part, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.
<b>Redevelopment Project</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, a specific work or improvement to effectuate all or any part of a development plan.
<b>Remedy A Violation</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, to bring the structure or other development into compliance with Federal, State or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its non-compliance.
<b>Repetitive Loss</b>	Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event equals or exceeds 25 percent of the market value of the structure before the damage occurred.

<b>Retention Pond</b>	A manmade structure designed and constructed to impound water. As part of a stormwater management system, the retention pond would provide some storage or detention of runoff over and above the pond's normal pool elevation. The retention pond may also provide some sediment storage in erosion and sediment control.
<b>Right-Of-Way</b>	As defined in Chapter 511.020 of the Municipal Code, Definitions.
<b>Risk Premium Rates</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
<b>Sale Or Lease</b>	Any transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.
<b>Same Ownership</b>	Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated association, in which a stockholder, partner or associate or a member of his/her family owns an interest in each corporation, firm, partnership, entity or unincorporated association.
<b>Screening</b>	A method of visual shielding or obscuring a nearby structure, building, use, or site feature on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.
<b>Setback</b>	See Section 410.130, Setback Standards
<b>Setback Line</b>	See Section 410.130, Setback Standards
<b>Setback, Front</b>	See Section 410.130, Setback Standards
<b>Setback, Rear</b>	See Section 410.130, Setback Standards
<b>Setback, Side</b>	See Section 410.130, Setback Standards
<b>Shelter</b>	As used in the context of Section 420.110, Wireless Communications, a building for the protection and security of communication equipment associated with one or more antennas where access to the equipment is gained from the interior building. Human occupancy for office or other uses or storage of other materials and equipment not in direct support of the connected antennas is prohibited.
<b>Shrubs</b>	Any multi-stem, woody perennial plant that attains a maximum height of 15 feet at maturity.
<b>Sign</b>	An object, device, structure or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or other projected images.

<b>Sign Area</b>	See Section 425.520, Sign Measurements.
<b>Sign, Attached</b>	Any sign painted, incorporated in, or fixed to a building.
<b>Sign, Awning</b>	A sign that is mounted, painted, or attached to an awning.
<b>Sign, Banner</b>	A temporary sign constructed of canvas, plastic or similar lightweight, non-rigid material that can be attached to walls or hung or suspended from posts or brackets.
<b>Sign, Billboard</b>	A permanent, off-premises sign.
<b>Sign, Canopy</b>	A sign that is mounted or attached to an canopy.
<b>Sign, Changeable Copy</b>	A sign designed so that the characters, letters or illustrations can be changed or rearranged manually. May also be known as readerboards.
<b>Sign, Drive-Through</b>	A freestanding sign located adjacent to and oriented towards a drive-through lane.
<b>Sign, Electronic Message Center</b>	A sign whose alphabetic, graphic, or symbolic informational content or display, either in whole or in part, composed of electrically illuminated or mechanically driven changeable segments, may be changed or altered by means of electrical, electronic, or computerized programming (e.g. electronic or digital signs).
<b>Sign, Freestanding</b>	Any sign that is structurally separated from a building.
<b>Sign, Ground</b>	A freestanding sign with two or more posts in which the bottom of the sign face is less than 6 feet above the ground, but not directly in contact with the ground.
<b>Sign, Illuminated</b>	A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
<b>Sign, Monument</b>	A freestanding sign, other than a pole sign, supported by a permanent base, where the entire bottom of the sign is affixed to the ground.
<b>Sign, Off-Premises</b>	A sign that advertises or directs attention to a business, profession, commodity, entertainment, service, religious, charitable or nonprofit organization, or an activity, product, good, or service that is not located upon or available upon the premises where the sign is located.
<b>Sign, On-Premises</b>	Any sign that does not meet the definition of an off-premises sign.
<b>Sign, Permanent</b>	A sign permitted by this Code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.
<b>Sign, Pole</b>	A freestanding sign supported by one or more uprights, poles, or braces.
<b>Sign, Projecting</b>	A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure.
<b>Sign, Roof</b>	A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support.

<b>Sign, Sidewalk</b>	A freestanding sign which is ordinarily in the shape of an "A", "T", or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.
<b>Sign, Suspended</b>	Any sign hanging entirely beneath a canopy.
<b>Sign, Temporary</b>	A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.
<b>Sign, Wall</b>	A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign that does not project more than 12 inches from such building or structure face.
<b>Sign, Yard</b>	Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.
<b>Site</b>	The area to be developed or improved.
<b>Small Wireless Facility</b>	As defined in Section 511.400 of the Municipal Code, Small Wireless Facility Deployment.
<b>Solar Energy Equipment</b>	The solar energy collectors, electronics, disconnects, valves, and other appurtenances associated with a solar energy system.
<b>Solar Energy System</b>	A building or ground-mounted photovoltaic, hot-air, or hot-water collector device or other type of energy system which relies upon solar radiation as the source for the generation of electricity or transfer of stored heat.
<b>Solar Energy System, Building-Integrated</b>	A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building which contributes to the design of the building, including, but not limited to, photovoltaic or hot-water solar systems contained within roofing materials, windows, skylights and awnings.
<b>Solar Energy System, Building-Mounted</b>	A solar energy system affixed to either a principal or an accessory structure on a lot.
<b>Solar Energy System, Ground-Mounted</b>	A solar energy system that is not attached to another structure and is affixed to the ground.
<b>Special Event</b>	As defined in Section 250.020, <i>Special Events Defined</i> , of the Municipal Code.
<b>Special Hazard Area</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, an area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

<b>Start Of Construction</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements were within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
<b>State Coordinating Agency</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, that agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Federal Insurance Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.
<b>Steps</b>	A flat surface, especially one in a series, on which to place one's foot when moving from one level to another.
<b>Stormwater Management Plan</b>	The drawings, computations, data, reports, etc., which identify how stormwater runoff is to be handled.
<b>Stormwater Management System</b>	All means, natural or manmade, used for conducting stormwater runoff to, through or from a drainage area to the point of outlet.
<b>Stormwater Runoff</b>	Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation.
<b>Stormwater Runoff</b>	Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation.
<b>Stormwater Sewer</b>	A pipe or closed conduit that carries surface runoff and subsurface waters.
<b>Story</b>	That portion of a building included between the surface of one floor and the surface of the floor next above, or if there is not floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the building code.
<b>Street Tree</b>	Trees located on City-owned right-of-way along public streets.
<b>Street, Dead-End</b>	A street with only one vehicular-traffic outlet.

<b>Street, Local</b>	A street intended to provide access to other streets from individual properties and to provide right-of-way for sewer, water and storm drainage utilities.
<b>Street, Private</b>	Any street which is privately owned by owners in common (e.g., owners of lots in a subdivision development), and is used for vehicular traffic by the owners and those having express or implied permission from the owner.
<b>Streets Classification</b>	For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way, and those located on approved and filed plats, have been designated on an official street classification map. The official street classification map is maintained by the Director of Public Works and filed with the City Clerk. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the local government and its present and estimated future traffic volume and its relative importance and function as specified in the master plan of the local government. The required improvements shall be measured as set forth for each street classification on the official map.
<b>Streetscape</b>	The scene as may be observed along a public street or way composed of natural and manmade components, including buildings, paving, planting, street hardware and miscellaneous structures.
<b>Structural Alterations</b>	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls.
<b>Structure</b>	<p>Anything constructed or erected, the use of which requires permanent location on or in the ground or attached to something having a permanent location on or in the ground.</p> <p>For the purposes of Chapter 430, Article IX, Floodplain Management, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure", for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.</p>
<b>Structure, Accessory</b>	A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied in conjunction with a permitted accessory use.

<b>Structure, Temporary</b>	A structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
<b>Subdivision</b>	The division of a lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose of either immediate or future sale or of building development. In some contexts, the term "subdivision" may also describe the process of subdividing land or the land subdivided.
<b>Substantial Damage</b>	<p>As used in the context of Chapter 425, Article IX, Floodplain Management, damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes repetitive loss buildings (see definition). For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to:</p> <ol style="list-style-type: none"> <li>1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Officer and which are solely necessary to assure safe living conditions; or</li> <li>2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; or</li> <li>3. Any improvement to a building.</li> </ol>
<b>Substantial Improvement</b>	<p>As used in the context of Chapter 425, Article IX, Floodplain Management, any combination of reconstruction, alteration, or improvement to a building, taking place during a 10-year period, in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the building. For the purposes of this definition, an improvement occurs 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 building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done. The term does not apply to:</p> <ol style="list-style-type: none"> <li>1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or</li> <li>2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; or</li> <li>3. Any building that has been damaged from any source or is categorized as repetitive loss.</li> </ol>

<b>Substantially Improved Existing Manufactured Home Parks Or Subdivisions</b>	Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
<b>Swimming Pools (Outdoor)</b>	A permanent water filled structure having a depth of more than 18 inches below the level of the surrounding land, which is designed, used and maintained for swimming or bathing by the residents, tenants, or occupants of the subject property.
<b>Terrace</b>	A relatively level paved or planted area adjoining a building.
<b>Tract</b>	Any lot, parcel or area of land.
<b>Trash Enclosure</b>	An accessory structure consisting of a wall or fence constructed to shield solid waste containers, recycling containers or dumpsters.
<b>Tree</b>	A woody plant that grows mostly upright as a single stem (rarely multi-stem) that may eventually attain a height of 15 feet or more.
<b>Tree Bank</b>	An account set up within the City of Lake Saint Louis financial system that will accept payments from tree replacement assessments imposed by the Lake Saint Louis tree ordinance or other sources that may arise. The tree bank funds shall be used to plant trees and maintain trees on public property within Lake Saint Louis.
<b>Tree Canopy Coverage</b>	The area in square feet of a tree's branch spread, determined by measuring the ground surface area that is covered by the branch spread of a single tree or clump or grove of trees, excluding invasive species.
<b>Tree Preservation Area</b>	The area on a site proposed for development that will not be disturbed by grading or storage of materials or disturbance of any kind. A "no-violation" zone that is typically bordered by the limit of disturbance line.
<b>Tree Preservation Plan (TPP)</b>	A map-based plan prepared by a certified arborist that delineates areas where trees are to be saved and details measures to be taken to ensure protection.
<b>Tree Stand Delineation (TSD)</b>	A detailed description and location of trees and other woody vegetation prepared in map and narrative form by a certified arborist.
<b>Tree Topping</b>	The drastic removal or cutting back of large branches in mature trees leaving large, open wounds which subjects the tree to disease and decay. Topping causes immediate injury to the tree and ultimately results in early failure or death of the tree.
<b>Tree Vista Pruning</b>	Selectively pruning a window of view in a tree's canopy.
<b>Trellis</b>	A frame of latticework used as a screen or as a support for climbing plants
<b>Understory Tree</b>	Deciduous trees that have a maximum height of less than 30 feet at maturity.

<b>Urban Redevelopment Corporation</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, an Urban Redevelopment Corporation organized and existing under and pursuant to the provisions of the "Urban Redevelopment Corporation Law".
<b>Urban Redevelopment Corporations Law</b>	Chapter 353, RSMo., as amended.
<b>Urban Redevelopment Cost</b>	As used in the context of Chapter 405, Article IX, Urban Redevelopment, the cost of the redevelopment project and shall include, among other expenses, the cost of land, interest during construction, the expense of demolition of existing structures, the expense of utilities, landscaping and roadways, the expense of construction, equipping and furnishing of buildings and improvements, including architectural, engineering and builders' fees, the expense of reconstruction, rehabilitation, redevelopment, remodeling or initial repair of existing buildings and improvements, brokers' fees, attorneys' fees, realtors' fees, planners' fees, preliminary costs for planning, surveys, title insurance, bonding, pre-opening expenses, reasonable management and operation expenses until the project is ready for its proposed use, as provided for in the approved development plan, and the expense of improving those portions of the area which are to remain open spaces, together with additional expense incurred as a result of additions to or changes in the redevelopment plan where such additions or changes are approved by ordinance.
<b>Use</b>	The purpose or activity for which land or buildings are designed, arranged, intended, occupied or maintained.
<b>Use, Accessory</b>	A use of land or of a building or portion of the land or building that is subordinate in area, extent and purpose to the principal use on the lot and that is customarily found in conjunction with a permitted principal use.
<b>Use, Permitted</b>	Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
<b>Use, Principal</b>	The primary or predominant use of any lot, building, or structure.
<b>Use, Temporary</b>	A use established for a limited duration with the intent to discontinue such use upon the expiration of a time period.
<b>Utility Service</b>	Any device, including wire, pipe and conduit, which carries gas, water, electricity, oil and communications into a building or development.
<b>Variance</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.
<b>Vestibule</b>	A passage, hall, or room between the outer door and the interior of a building

<b>Violation</b>	As used in the context of Chapter 425, Article IX, Floodplain Management, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.
<b>Wall Cladding</b>	The protective material attached to the exterior side of a building, including but not limited to brick and stone veneer and siding.
<b>Walls, Retaining</b>	A structure that holds back soil or rock from building, structure or area and prevents downslope movement or erosion and provide support for vertical or near-vertical grade changes.
<b>Water Body</b>	An accumulation of water that is large enough to maintain 10,000 square feet of surface area throughout the year.
<b>Water Surface Elevation</b>	The height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.
<b>Watercourse</b>	A channel formed in the existing surface topography of the earth prior to manmade changes.
<b>Wireless Communication Service</b>	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, including but not limited to television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic or optical wireless communication.
<b>Wireless Facility</b>	See Section 410.100, Use Categories and Use Types
<b>Wireless Support Structure</b>	See Section 410.100, Use Categories and Use Types
<b>Yard</b>	An open space that lies between the principal building or buildings and the nearest lot line.



Figure 410.090-3: Yards

<b>Yard, Front</b>	A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. See Figure 410.090-3.
<b>Yard, Rear</b>	A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. On corner lots, the rear yard shall not extend beyond the front yard. See Figure 410.090-3.
<b>Yard, Side</b>	A yard extending from the front setback line to the rear setback line between the principal building and the side lot line to the closest point of the principal building. See Figure 410.090-3.
<b>Zoning District</b>	A specific delineated area on the Zoning Map within which uniform standards govern the use, placement, spacing, size and form of land and buildings.
<b>Zoning District, Overlay</b>	An area where additional regulations and requirements are added beyond the regulations and requirements of the zoning district.

**Section 410.100 Use Categories and Use Types**

A. For the purposes of this Code, certain use categories and use types used herein are defined as follows, unless the context clearly indicates otherwise.

**Commented [PN23]:** The majority of use categories and use types are new. Use categories and use types are referenced more frequently than general terms, and are grouped separately for ease of access.

**Agriculture and Animal Uses**

Agriculture	The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals useful to persons, including the storage of agricultural products produced off the premises.
Animal Grooming	A place or establishment or place where animals are bathed and/or groomed for a fee, excluding kennels, veterinary clinics and hospitals.
Commercial Horse Stable	A place or establishment for keeping horses other than for the property owner's personal use, for compensation, hire, boarding, riding, or show.
Kennel	A place or establishment other than a pound where animals not owned by the proprietor are sheltered, fed and watered for a fee; or, a place or establishment maintaining five or more female cats or dogs as breeding stock. This definition does not include veterinary clinic and hospital, or animal grooming facilities.
Veterinary Clinic and Hospital	A place or establishment for the medical care of small domestic animals where treatment rooms, cages, or pens are completely enclosed and soundproof, where outdoor pens or kennels are only used for exercise and recreational purposes.
<b>Residential Uses</b>	
Household Living	Uses in this category are characterized by residential occupancy of a dwelling unit by a household.
Detached house	A residential building located on one lot and designed for one primary dwelling unit.
Duplex	A residential building located on one or two lots and designed to accommodate two primary dwelling units. The dwelling units in duplexes may be stacked vertically, sharing both common and horizontal walls and ceilings, or attached to each other by common party walls without openings.
Townhouse	A residential building located on one or more lots that contains three to eight dwelling units, each having primary ground floor access to the outside and are attached to each other by common party walls without openings.
Multi-Unit Building	A residential building, excluding townhouses, located on a single lot and designed to accommodate more than three dwelling units. The dwelling units in multi-unit buildings are often stacked vertically, sharing both common vertical and horizontal walls and ceilings.
Multi-Unit Building, Age-Restricted	A multi-unit building where all residents are at least 55 years of age.
Group Living	Uses in this category are residential in nature and provide living space for groups of people. Group living often, but not always, features a common eating area for residents and provides care or services for residents that is not commercial in character.

Congregate Care Facility	An establishment, having been awarded a certificate of need from the Missouri Department of Health and Senior Services, used as a dwelling place by the aged, infirmed, chronically ill or incurably afflicted persons in which not less than eight persons live or are provided for on the premises, for compensation. Such facilities include nursing homes, skilled nursing facilities, convalescent homes, rehabilitation facilities, assisted living facilities, and memory care facilities.
Group Home	Any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; or, any home which is licensed by the children's division or department of mental health to provide foster care to one or more, but less than seven children who are unrelated to either foster parent by blood, marriage or adoption.
<b>Public, Institutional, and Civic Uses</b>	
Community and Cultural Facilities	Uses in this category include buildings and facilities owned, operated, or occupied by a governmental or non-profit entity providing a service to the public.
Assembly	A facility intended primarily for organized services, meetings, events, or programs to benefit, educate, entertain, or promote public discourse, with membership not required for participation. Examples include community centers, meeting or lecture halls, or exhibition rooms. If an assembly use is accessory to another principal use, and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.
Civic Building	Any noncommercial public building housing uses for the purpose of offering education, arts and cultural materials, or attractions for the general public, including exhibits and events; or offering administrative, social, tourism, or charitable services to the general public. Examples include museums, libraries, public safety, government buildings, post office, or recreation centers.
Membership Club	An association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.
Meeting, Banquet, Event, or Conference Facility	A facility with or without food preparation equipment, used for meetings, conferences, receptions, fellowship, catered meals, and other functions; and available on a rental basis to the general public.
Place of Worship	A building, together with its accessory buildings and uses, that is primarily used as a place where persons regularly assemble for religious worship, including uses such as synagogues, churches, temples, and mosques.
<b>Day Care Facilities</b>	
Day Care Center	An establishment designed to provide day-time care and instruction for children or adults.

Educational Facilities	Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level. Accessory uses include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.
School, Post-Secondary and Vocational	A public or private institution for a wide variety of academic, vocational, or professional training and education services.
School, Primary and Secondary	Any public or private school meeting all requirements of the state and providing instruction to students in kindergarten through grade 12 and that are licensed through the state of Missouri. This does not include home-schooling facilities that are located within residential structures on a part-time basis.
Health Care Facilities	Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury or other physical or mental conditions. Accessory uses may include laboratories, outpatient facilities, and amenities primarily for the use of employees in the building.
Hospital	An institution providing medical and surgical care for humans only, for both in- and out-patients, including medical service, training, and research facilities, but excluding residential or outpatient facilities for the treatment of alcohol and other drug abuse.
Medical or Dental Clinic	A facility for the examination and treatment of human patients provided that patients are not kept overnight.
Treatment Facility	Licensed facilities providing diagnostic, medical treatment, monitoring services and patient care services for in- and out-patients who suffer from mental illness or substance abuse disorders.
Parks and Open Space	Uses in this category focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions and caretaker's quarters.
Park, Playground, and Open Space	Land designated for parks and recreation uses or to be left in a generally natural state, regardless of whether it is owned by a public entity or whether it is open to the general public.
Cemetery, Mausoleum, and Columbaria	Land used or intended to be used for the burial of human remains.
<b>Commercial Uses</b>	
Automobile-Related Uses	Uses in this category include a broad range of uses for the maintenance, sale or rental of motor vehicles and related equipment.
Automobile Wash	A facility for the cleaning of automobiles or other motor vehicles, operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

Automotive Repair Shop	A facility providing services including engine tune-ups, the sale and installation of lubricants, tires, batteries, exhaust systems, brakes, water pumps, alternators, radiators, and similar accessories. Activities such as painting, auto-body work, steam cleaning, utility truck and trailer rental, tractor trailer repairs, farm equipment repairs, major auto and truck repairs, similar activities, and outdoor storage of any kind including vehicles shall be prohibited.
Automotive Sales or Leasing	The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots for short-term use.
Gasoline Station	An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other convenience merchandise or perform minor repair work.
Motor Vehicle Sales or Leasing	A business that displays on-site any motor vehicle other than an automobile or light truck, for the purpose of sales, rental, brokering or auction. Activities such as painting, auto-body work, steam cleaning, major repairs, and similar activities shall be permitted.
Commercial Parking Lot	The ownership, lease, operation, or management of a commercial surface parking lot or parking structure located on a single lot, in which fees are charged.
Food and Beverage Establishments	Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises.
Bar, Lounge, or Tavern	An establishment dispensing alcohol by the drink for on-site consumption and in which the sale of food products is secondary.
Catering Service	An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. This use includes a commercial kitchen. On-site consumption of food or beverages is prohibited.
Microbrewery, Microdistillery, or Microwinery	An establishment associated with a bar, lounge, tavern, or restaurant, where beer, wine, alcohol, or similar beverage is brewed and fermented on the premises in a limited quantity and sold for on-site or off-site consumption.
Restaurant	An establishment where food and beverages are prepared, served, and consumed primarily within the principal building. Accessory uses include drive-through facilities.
Lodging Facilities	Uses in this category include facilities where lodging, meals, and other services are provided to transient visitors and guests for a fee for a defined period of time less than 30 days per instance. Accessory uses may include storage, cafeterias, limited retail, health and recreation facilities, and other amenities.
Hotel	A building or group of buildings where transient lodging is offered in bedrooms, sleeping rooms, and dwelling units. The building or buildings may include accessory facilities such as restaurants, meeting rooms, recreation areas or similar facilities commonly associated with lodging. Examples also include motel, hostel, or lodge.

Short-Term Rental	The rental of a detached house, duplex, or townhouse for a fee and for a period of time less than 30 consecutive days or more than one time in a 12 month period.
Maintenance and Repair Services	Uses in this category include those engaged in repair or maintenance of equipment, home appliances, and building components. Accessory uses may include storage yards.
Repair Facility, Major	Repair, rebuilding, and painting of agricultural, industrial, implements, and equipment not customarily used in the home and excluding automobile and vehicular repair.
Repair Facility, Minor	The maintenance and repair of appliances customarily used in the home including washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances and vacuum cleaners.
Medical Marijuana Facilities	Uses in this category are primarily engaged in cultivating, manufacturing, testing, and sales of medical marijuana.
Medical Marijuana Cultivation	A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.
Medical Marijuana Dispensary	A facility licensed by the Missouri Department of Health and Human Services to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.
Medical Marijuana-Infused Products Manufacturing	A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.
Medical Marijuana Testing	A facility certified by the Missouri Department of Health and Human Services to acquire, test, certify, and transport marijuana.
Office, Business, and Professional Services	Uses in this category provide executive, management, administrative, government, or professional services, but do not sell merchandise except as incidental to a permitted use.
Automated Teller Machine (Stand-Alone)	An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller. Such uses are independent and not attached to a physical building containing a financial institution.
Bank or Financial Institution	An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses. Accessory uses may include automatic teller machines, drive-through services, and offices.

Office, General	Establishments that provide executive, management, administrative or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include government, real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers and similar offices. Accessory uses may include cafeterias, health facilities, or other amenities primarily for the use of employees in the building.
Personal Services	
Personal Services	Establishments engaged in providing individual services related to personal needs. This includes laundry and dry-cleaning services, barbershops, beauty shops, massage therapy licensed by the State of Missouri, beauty and health spas, informational and instruction services, tanning salons, portrait services, and other similar establishments.
Tattoo and Body Piercing Parlor	An establishment where permanent marks, scars, or designs are made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided. Stores or other retail facilities that provide ear piercing as a service, accessory to and complimentary to the sale of earrings, shall not be classified as a tattoo and body piercing parlors.
Recreation and Entertainment	Uses in this category provide indoor and outdoor recreation and entertainment facilities. Accessory uses may include limited retail, concessions, and maintenance facilities.
Marina	A public or private facility for docking, mooring, anchoring and fueling boats, indoor and outdoor parking and storage of boats and boat trailers, launching, minor repairs and service.
Private Golf Course, Tennis Club, Country Club or Clubhouse	An establishment typically associated with a golf course, tennis facility, country club, club house, or similar recreational facility that serves as a place of social and recreational gatherings for members of a private club or a residential development and their guests, rather than the general public.
Recreation Facility, Indoor	A facility providing daily or regularly scheduled activities for entertainment, instruction, or exercise inside a building and open to the general public or through membership. Examples include arcade, arena, art gallery, athletic and health clubs, auditorium, bowling alley, movie theater, performance theater, pool or billiard hall, swimming pool, tennis courts or basketball courts.
Recreation Facility, Outdoor	A facility providing daily or regularly scheduled activities for entertainment, instruction, or exercise mostly outdoors or partially within a building and open to the general public or through membership. Examples include miniature golf, batting cages, amphitheater, water park, zoo, and fairground.

Retail Sales	Uses in this category involve the sale of goods and/or food and beverages directly to the consumer, where these goods are available for immediate purchase or order, and where goods can be immediately removed from the premises, or immediately consumed on the premises by the purchaser, and where frequent interaction of patrons or consumers occurs on premises.
Building Materials and Supply Store	An establishment engaged in the storage, distribution, and sale of building materials such as brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials.
Convenience Store	A small retail establishment primarily selling food, beverages, and other household goods to customers for off-site use or consumption. A convenience store may be paired with a gasoline station.
Equipment Sales and Rental	The sales and rental of supplies and equipment primarily intended for homeowner use and minor residential gardening and construction projects, but not including car or truck rentals. This term includes incidental storage, maintenance, and servicing of such equipment.
Grocery Store	A retail establishment that primarily sells food, but may also sell convenience and household goods for off-site use or consumption.
Landscape Supply Store	An establishment engaged in the storage, distribution, and sale of landscape supplies including retaining walls, pavers, natural stone and bulk materials including mulch, decorative gravel, topsoil, compost, and sand.
Garden Supply Store	An establishment engaged in the storage, distribution, and sale of garden supplies including plants; nursery products and stock; potting soil, fertilizers, mulch or rock that are sold in bags that are 50 pounds or less in weight; hardware; power equipment and machinery; lawn and garden variety tools; lawn and garden supplies; water gardens; outdoor furniture; irrigation equipment; and yard ornaments. These establishments, may include a nursery and/or greenhouses.
Liquor Store	A retail establishment that sells sealed alcoholic beverages in original packages for consumption off the premises, in which those sales are the primary goods being sold and produce the majority of the revenue generated by the business.
Retail Sales, General	A facility or area for the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes but is not limited to sale of general merchandise, appliances, clothing and other apparel, convenience and specialty foods, dry goods, flowers and household plants, hardware and similar consumer goods.
<b>Sexually Oriented Businesses</b>	

Sexually Oriented Business	An inclusive term used to describe collectively: Adult cabaret; adult motion picture theater; adult media store; and/or sex shop which has as a primary purpose the sale, display or rental of goods that are designed for use in connection with specified sexual activities or that emphasize matters depicting, describing or relating to specified sexual activities or specified anatomical areas or has one of the following as a primary business purpose: 1) The provision of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or 2) The provision of nonmedical services related to specified sexual activities or specified anatomical areas.
<b>Industrial Uses</b>	
Manufacturing & Production	Uses in this category include establishments engaged in the research, development, manufacturing, processing, and assembly of products.
Manufacturing, Artisan	An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses such as welding and sculpting.
Manufacturing, Light	Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. Light manufacturing uses include only those uses that will not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place.
Research and Development	An establishment in which scientific research, investigation, prototype development and process development, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.
Storage, Distribution, and Warehousing	Uses in this category include establishments engaged in the storage or movement of goods for themselves or other businesses.
Contractor Offices and Outdoor Storage Yards	A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditions, sheet metal, and other material in connection with contracting services.

Data Center	A facility in which the majority of the space is occupied by computer systems and associated components, such as servers, switches, routers, data storage devices, telecommunication equipment, wiring cages/closets, vaults, and racks, where digital data and information is managed, processed, transferred and/or stored. This definition includes, but is not limited to data centers, data storage and hosting facilities, co-located server hosting facilities (CoLo), network operations centers, web hosting facilities, and other similar facilities.
Self-Storage Facility	A building containing varying sizes of individual, compartmentalized, and controlled-access stalls, rooms, or lockers that are leased or owned by different individuals for the storage of their individual possessions.
Storage, Distribution, and Warehousing	The storage of goods, vehicles, or materials in a warehouse or structure, and/or the use of that facility for the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of those goods or merchandise, the division and subsequent shipment off-site of such goods and merchandise, and/or the associated wholesale or retail sales of individual specialty products.
<b>Utilities and Communications</b>	
Utilities	Uses in this category includes all structures and improvements used by any public or private utility related to the provision of utility services.
Utility, Minor	Public and private utilities that have few, if any, impacts upon the surrounding neighborhood, such as electrical and gas distribution substations, power transmission lines, and pumping stations.
Utility, Major	Public and private utilities that have substantial impacts on surrounding areas, including but not limited to water and wastewater treatment facilities, public works garages, major water storage facilities, electric substations, and gas regulator stations.
Wireless Communication Facilities	Uses in this category includes all equipment, components, and structures necessary to provide wireless communications services.
Wireless Facility	The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.
Wireless Support Structure	A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

## Article III Measurements and Exceptions

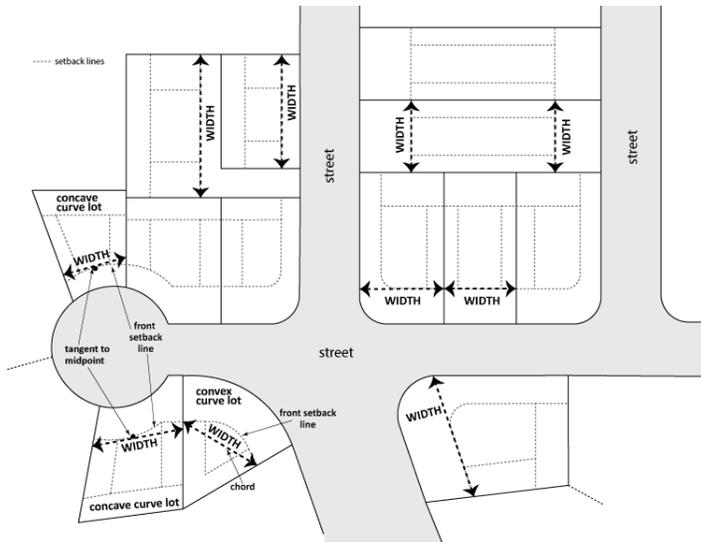
### Section 410.110 Generally

- A. The purpose of this Article is to provide uniform requirements for measuring dimensional standards and to list any exceptions to the dimensional standards in this Code.
- B. For the purposes of determining compliance with dimensional standards of this Code, the following shall apply:
  - 1. Private streets shall be treated as if they are public right-of-way.
  - 2. A condominium unit itself, or a condominium unit taken together with any contiguous common elements, shall be considered to constitute the functional equivalent of a "lot".
  - 3. Where a future right-of-way line is shown on a thoroughfare plan adopted by the City, St. Charles County, or the Missouri Department of Transportation, the future right-of-way line shall be used instead of the existing right-of-way line.
- C. When calculations result in fractions, the following rounding regulations shall apply:
  - 1. If the standard is expressed as a minimum requirement, then the fraction shall be rounded up to the nearest whole number.
  - 2. If the standard is expressed as a maximum allowance, then the fraction shall be rounded down to the nearest whole number
- D. Distances specified in this Code are to be measured as the length of an imaginary straight line joining those points, unless otherwise expressly stated.

### Section 410.120 Lot Standards

- A. Lot Area
  - 1. Lot area is the total horizontal area included within lot lines.
- B. Lot Area Per Dwelling Unit
  - 1. Lot area per dwelling unit is the minimum lot area that is required for each dwelling unit on the property.
- C. Lot Width
  - 1. Lot width is the horizontal distance between the side lot lines, measured at the front setback line.

**Commented [PN24]:** The majority of these terms were redefined for clarity. Terms related to dimensional standards are referenced more frequently than general terms, and are grouped separately for quicker access. Additional details for interpreting these requirements are also included here.



*Figure 410.120.C: Lot Width*

2. On corner lots, lot width is measured between the side lot line and the opposite front lot line along the front setback line.
  3. On lots located on a concave curve, lot width is measured between the side lot lines along a line tangent to the midpoint of the front setback line.
  4. On lots located on a convex curve, lot width is measured between the side lot lines along the chord of the front setback line.
  5. On lake lots, the minimum lot width is measured at both the front setback line and rear setback line.
- D. Lot Width Per Dwelling Unit
1. Lot width per dwelling unit is the minimum lot width that is required for each dwelling unit on the property.
- E. Lot Depth
1. Lot depth is the horizontal distance between the front and rear lot lines measured at right angles to the front lot line.

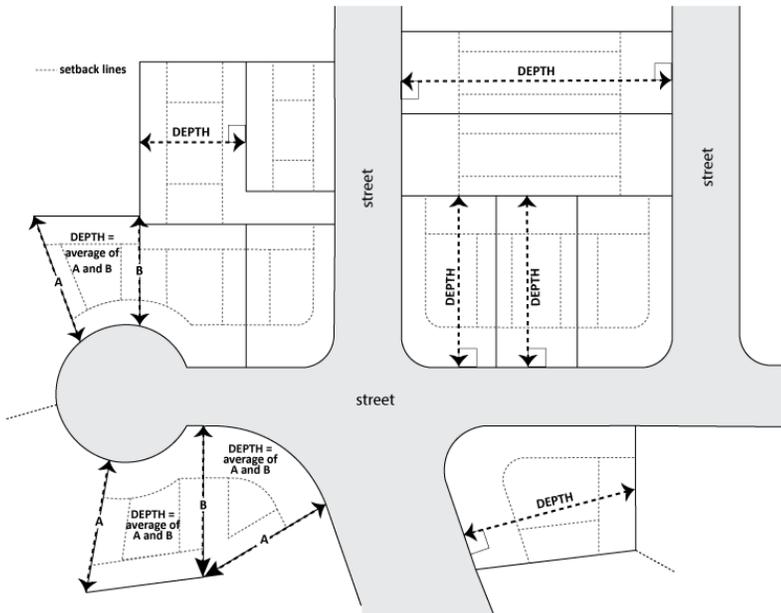


Figure 410.120.E: Lot Depth

2. Where the front and rear lot lines are not approximately parallel, the lot depth shall be the average of the length of the two side lot lines.

**Section 410.130 Setback Standards**

**A. Setback**

1. A setback is the distance between a building, structure, improvement, or site feature, and any lot line.
2. Required setbacks shall be unobstructed from ground level to the sky except as specified in **Table 410.130.G, Permitted Setback Projections**, or as provided in this Code.

**Commented [PN25]:** This is a new table that lists in one place, all of the permitted encroachments into required setbacks. Minor revisions were made to address past polices, interpretations, and common issues regarding encroachments.

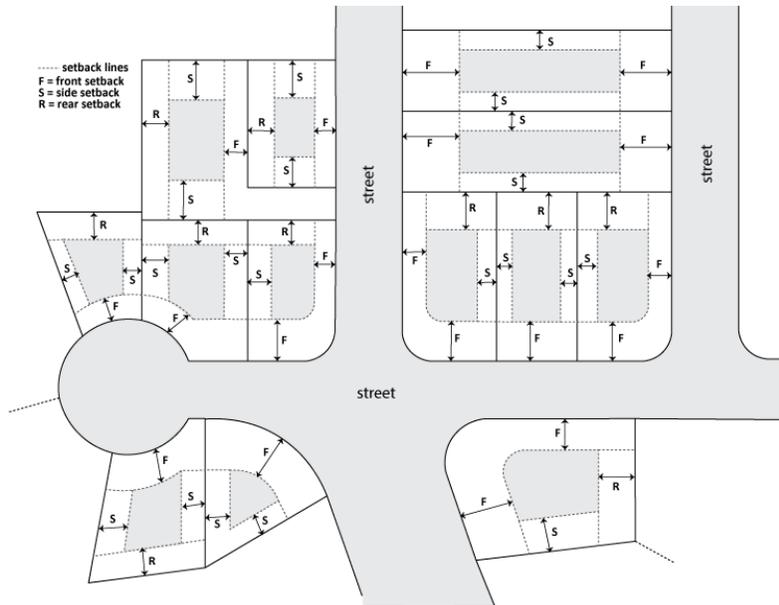


Figure 410.130.A: Setbacks

B. Setback Line

1. A setback line is a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required setback (See **Figure 410.130.A**).

C. Front Setback

1. A front setback extends across the full width of the front of a lot, the required depth of which is measured from the front lot line (See **Figure 410.130.A**).
2. On corner lots and double-frontage lots, each lot line with street frontage is considered a front lot line and therefore has a required front setback.

D. Rear Setback

1. A rear setback extends across the full width of the rear of the lot, the required depth of which is measured from the rear lot line (See **Figure 410.130.A**).
2. On corner lots, the lot line opposite the front lot line with the least amount of frontage is the rear lot line and therefore has a required rear setback.
3. On double frontage lots and pie-shaped lots, there is no rear lot line and therefore no rear setback.

E. Side Setback

1. A side setback extends from the front setback line to the rear setback line, the required depth of which is measured from the side lot line (See **Figure 410.130.A**).

2. Duplex and Townhouse dwelling units sharing a common wall shall not be required to comply with side setback requirements except for the outside walls of the end units.
- F. Building Separation
1. Building separation is the required minimum distance between the nearest portions of any principal buildings on a single lot.
- G. Exceptions
1. The features listed in **Table 410.130.G, Permitted Setback Projections**, shall be permitted to project into the required setbacks of the applicable zoning district. The exceptions apply to all zoning districts unless otherwise stated.
  2. When a feature is not listed in **Table 410.130.G, Permitted Setback Projections**, the feature may not be located in a yard or project into the required setbacks unless the Community Development Director determines that the feature is reasonably comparable to a feature that is already listed.
  3. Projections shall not extend or encroach into a public or private easement or right-of-way, except as permitted in **Section 510.010** of the Municipal Code, *Obstruction on Streets and Sidewalks – Easement Encroachment - Exceptions*, nor obscure a required visual clearance area as described in **Section 425.080, Visibility at Intersections**.

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**Table 410.130.G Permitted Setback Projections**

Permitted Encroachment	Attached or Freestanding	Covered or Uncovered	Enclosed Or Unenclosed	FRONT				SIDE				REAR			
				Permitted in yard	Permitted in setback	Maximum setback encroachment	Minimum setback	Permitted in yard	Permitted in setback	Maximum setback encroachment	Minimum setback	Permitted in yard	Permitted in setback	Maximum setback encroachment	Minimum setback
<b>Agricultural Structures</b>	Freestanding	Covered	Enclosed	Yes	No	-	-	Yes	No	-	-	Yes	No	-	-
<b>Architectural Features</b>	Attached	-	-	Yes	Yes	2 feet	None	Yes	Yes	2 feet	None	Yes	Yes	2 feet	None
<b>Awnings and Canopies</b>	Attached	-	-	Yes	Yes	None	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Balconies</b>	Attached	Covered or Uncovered	Unenclosed	Yes	Yes	6 feet	None	Yes	No	-	-	Yes	No	-	-
<b>Basketball Goals</b>	Freestanding	-	-	Yes	Yes	NA	10 feet from edge of pavement or back of curb	Yes	No	-	-	Yes	No	-	-
<b>Boat Docks</b>	Freestanding	-	-	Yes	Yes	None	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Decks</b>	Attached or Freestanding	Uncovered	Unenclosed	No	No	-	-	Yes	Yes	1/2 of the required setback	None	Yes	Yes	1/2 of the required setback	None
<b>Decorative Fences or Walls (less than 18 inches), Retaining Walls</b>	Freestanding	-	-	Yes	Yes	None	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Donation Collection Bins</b>	Freestanding	-	-	Yes	No	-	-	Yes	No	-	-	Yes	No	-	-
<b>Fences (Refer to Section 425.110, Fences)</b>	Freestanding	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Flagpoles</b>	Freestanding	-	-	Yes	Yes	1/2 of the required setback	None	Yes	Yes	1/2 of the required setback	-	Yes	Yes	1/2 of the required setback	-
<b>Gasoline station canopies, multi-pump dispensers, and service islands (Refer to Section 420.090.A, Gasoline Stations.)</b>	Attached or Freestanding	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Gazebos</b>	Freestanding	Covered	Unenclosed	No	No	-	-	Yes	Yes	1/2 of the required setback	None	Yes	Yes	1/2 of the required setback	None

Permitted Encroachment	Attached or Freestanding	Covered or Uncovered	Enclosed Or Unenclosed	FRONT				SIDE				REAR			
				Permitted in yard	Permitted in setback	Maximum setback encroachment	Minimum setback	Permitted in yard	Permitted in setback	Maximum setback encroachment	Minimum setback	Permitted in yard	Permitted in setback	Maximum setback encroachment	Minimum setback
<b>Mechanical Equipment</b>	Freestanding or Attached	-	-	No	No	-	-	Yes	Yes	3 feet		Yes	Yes	1/2 of the required setback	
<b>Outdoor Dining, Outdoor Display and Sales</b>	Freestanding	-	-	Yes	Yes	None	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Parking Spaces</b>	Freestanding	-	-	Yes	Yes	None	10 feet	Yes	Yes	None	10 feet	Yes	Yes	None	10 feet
<b>Patios and Terraces</b>	Attached or Freestanding	Uncovered	Unenclosed	Yes	Yes	6 feet	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Pergolas and Arbors</b>	Attached or Freestanding	Covered	Unenclosed	No	No	-	-	Yes	Yes	1/2 of the required setback	None	Yes	Yes	1/2 of the required setback	None
<b>Play Equipment and Recreational Courts (Outdoor)</b>	Freestanding	-	-	No	No	-	-	Yes	Yes	1/2 of the required setback	None	Yes	Yes	1/2 of the required setback	None
<b>Porches and Port Cocheres</b>	Attached	Covered	Unenclosed	Yes	Yes	6 feet	None	Yes	No	-	-	Yes	No	-	-
<b>Steps, Railings, and Accessibility Ramps</b>	Attached or Freestanding	Uncovered	Unenclosed	Yes	Yes	None	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Swimming Pools (outdoor)</b>	Freestanding	-	-	No	No	-	-	Yes	Yes	1/2 of the required setback (pool apron)	15 feet (pool lip or edge)	Yes	Yes	1/2 of the required setback (pool apron)	15 feet (pool lip or edge)
<b>Trash Enclosures (detached houses, duplexes, and townhouses)</b>	Attached or Freestanding	Uncovered	Unenclosed	Yes	No	-	-	Yes	Yes	1/2 of the required setback	None	Yes	No	-	None
<b>Trash Enclosures (multi-unit, mixed-use and nonresidential uses)</b>	Attached or Freestanding	Uncovered	Unenclosed	Yes	Yes	10 feet	-	Yes	Yes	-	10 feet	Yes	Yes	-	10 feet
<b>Trellises</b>	Freestanding	-	-	Yes	Yes	None	None	Yes	Yes	None	None	Yes	Yes	None	None
<b>Vestibules</b>	Attached	Covered	Enclosed	Yes	Yes	2 feet	None	Yes	Yes	2 feet	None	Yes	Yes	2 feet	None
<b>Wall Cladding</b>	Attached	-	-	Yes	Yes	5 inches	None	Yes	Yes	5 inches	None	Yes	Yes	5 inches	None

## Section 410.140 Other Standards

### A. Height

1. For buildings, height is the vertical distance above finished grade at the front of the building measured to the highest point of a flat or mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof (see **Figure 410.140.A**).

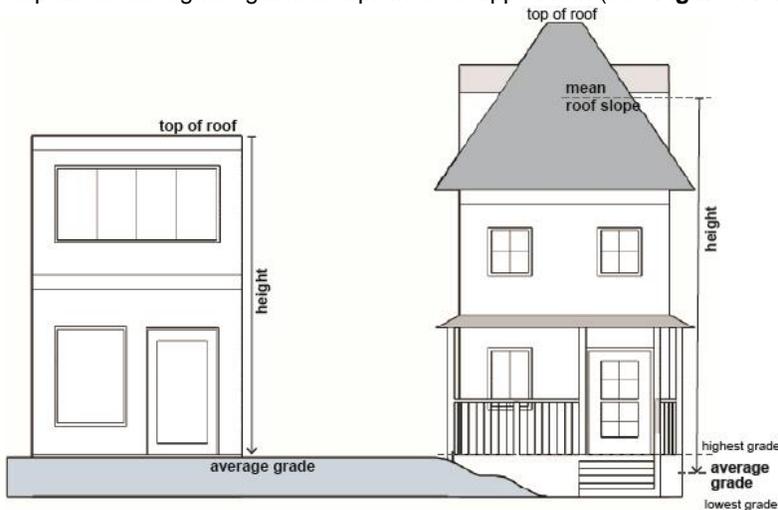


Figure 410.140.A: Height

2. For other structures, height is the vertical distance above finished grade of the base of the structure measured to the highest point, including the main structure and all the attachments thereto.
3. **Exceptions**
  - a. The following structures and features shall be permitted to project beyond the maximum height requirements of the applicable zoning district:
    - (1) Agricultural structures.
    - (2) Architectural features such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.
    - (3) Structures such as elevator penthouses, gas tanks, grain elevators, radio, roof-mounted mechanical equipment, cooling towers, fire towers, and smoke stacks.
    - (4) Structures related to utility services such as water towers, electric power and communication transmission lines, traffic signals, and light poles.
    - (5) Wireless facilities and wireless support structures, in accordance with **Section 420.110.A, Wireless Communications**.

**Commented [PN26]:** The existing Code does not specify exceptions to height requirements.

### B. Floor Area Ratio

1. Floor area ratio is the total gross floor area of the building or buildings on any lot divided by the total lot area.
- C. Gross Floor Area
1. Gross floor area is the sum of the gross area of every story of a building measured from the exterior limits of the faces of the structure, excluding unfinished basements, garages, porches, attics, parking structures and parking areas.
- D. Lot Coverage
1. Lot coverage is the total area of a lot occupied by buildings, structures, and impervious surfaces, expressed as a percentage of the total lot area.
- E. Net Density
1. Net density is the number of dwelling units permitted per acre of land excluding land dedicated for street right-of-way, floodways, retention and detention basins, areas which exceed 3:1 slopes, access easements, and land cut off from the main parcel by a road, railroad or major stream such that common use is hindered or that the land is unavailable for building purposes.

## Chapter 415 Zoning Districts

### Article I Purpose and Organization

- A. This Chapter establishes the Official Zoning Map, individual zoning districts, and dimensional standards. This Chapter is organized as follows:
1. **Article II, *General Provisions***, establishes zoning districts and the City's Official Zoning Map.
  2. **Article III, *Residential Zoning Districts***, contains the purpose statements and dimensional standards for all residential zoning districts.
  3. **Article IV, *Nonresidential and Mixed-Use Zoning Districts***, contains the purpose statements and dimensional standards for all nonresidential and mixed-use zoning districts.
  4. **Article V, *Overlay Zoning Districts***, addresses overlay zoning districts which only apply to certain geographic areas and may increase, decrease, or add conditions to the minimum standards of the underlying district.

### Article II General Provisions

#### Section 415.000 Zoning Districts Established

- A. **Table 415.000.A, *Zoning Districts***, lists the base zoning districts and overlay zoning districts established by the adoption of the Official Zoning Map.

**Table 415.000.A Zoning Districts**

Abbreviation	District Name
Residential Zoning Districts	
RR	Rural Residential

Abbreviation	District Name
R1	Residential 1
R2	Residential 2
R3	Residential 3
R4	Residential 4
R5	Residential 5
R6	Residential 6
Nonresidential and Mixed-Use Zoning Districts	
MU	Mixed-Use
CO	Commercial-Office
C1	Commercial 1
C2	Commercial 2
LI	Light Industrial
PA	Public Activity
Overlay Zoning Districts	
PUD	Planned Unit Development
UPT	Uptown

- B. Some of the zoning district names established within this Code differ from previous versions of this Code. In instances where there may be references to the previous zoning district nomenclature, **Table 415.000.B, Zoning District Transition Table**, identifies how each of the previous district classifications was renamed for this Code. This table shall only be used for comparison purposes.

**Table 415.000.B Zoning District Transition Table**

Previous Zoning Districts		Current Zoning Districts	
Abbreviation	District Name	Abbreviation	District Name
Residential Zoning Districts			
NU	Non-Urban	RR	Rural Residential
SR-3	Single-Family Residential	R1	Residential 1
SR-1	Single-Family Residential	R2	Residential 2
SR-2	Single-Family Residential	R3	Residential 3
None		R4	Residential 4
MF	Multiple-Family Residential	R5	Residential 5
None		R6	Residential 6
Nonresidential and Mixed-Use Zoning Districts			
None		MU	Mixed-Use
OP	Office and Research Park	None	
BP	Business Park	CO	Commercial-Office
CB	Community Business	C1	Commercial 1
HC	Highway Commercial	C2	Commercial 2
LI	Light Industrial	LI	Light Industrial
PA	Public Activity	PA	Public Activity
Overlay Zoning Districts			
PD	Planned Development	PUD	Planned Unit Development
PR	Planned Residential		
Overlay Zoning Districts			
DLRD	Downtown Lakefront Redevelopment Overlay District	UPT	Uptown
FP	Floodplain	None	

**Commented [PN27]:** This table identifies the new zoning districts and their corresponding existing zoning district (where applicable).

**Commented [PN28]:** New district

**Commented [PN29]:** New district

**Commented [PN30]:** New district

**Commented [PN31]:** Eliminated district

**Commented [PN32]:** Eliminated district

**Commented [PN33]:** Eliminated district

**Section 415.010 Official Zoning Map**

**A. Incorporation of Map**

1. The location and boundaries of the zoning districts established by this Code are shown on the official "Zoning District Map of the City of Lake Saint Louis" ("Official Zoning Map") which is incorporated into this Code.
2. The zoning district map shall be maintained by and located in the office of the Community Development Director.
3. The zoning map shall include all notations, references, subsequent lawful changes or amendments and other information shown thereon as set forth or described herein.
4. The zoning map shall be updated regularly.

**B. Zoning District Boundaries**

1. Except where otherwise necessary, zoning district boundaries shall follow the City's corporate limits, section lines, lot lines, right-of-way lines, or extensions of such lines.
  2. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the zoning district map by the Community Development Director.
  3. Where a zoning district boundary coincides with a right-of-way line and that right-of-way line is vacated by the entity to whom the right-of-way had been dedicated, the zoning district boundary shall then follow the centerline of the former boundary.
- C. Boundary Clarification
1. In the event that a zoning district boundary is unclear or disputed, the Community Development Director shall determine the location of the boundary. Such determination is subject to an appeal pursuant to **Section 405.240, Appeal of Administrative Enforcement.**
- D. Zoning Map Amendments
1. Amendments to the boundary of any zoning district shall require approval of a zoning map amendment pursuant to **Section 405.100, Zoning Map Amendment.**
  2. A list of zoning map amendment ordinances shall be kept on file in the office of the Community Development Director.
- E. Annexed Land
1. Any land that is voluntarily or involuntarily annexed into the corporate limits of the City pursuant to **Section 405.110, Annexation,** shall retain the zoning designation originally established by St. Charles County until the annexed property is appropriately zoned in accordance with **Section 405.100, Zoning Map Amendment.**

## Article III Residential Zoning Districts

### Section 415.020 Purpose Statements

- A. **RR – Rural Residential**
1. The RR District is intended to accommodate low-density, large-lot residential uses, agricultural uses, and open space to maintain the character of rural areas.
- B. **R1 – Residential 1**
1. The R1 District is intended to accommodate detached houses in suburban neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities.
- C. **R2 – Residential 2**
1. The R2 District is intended to accommodate detached houses in suburban neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities.
- D. **R3 – Residential 3**
1. The R3 District is intended to accommodate detached houses in suburban neighborhood settings, with access to supporting uses such as schools, churches, parks and other public facilities.
- E. **R4 – Residential 4**

**Commented [PN34]:** The existing Code requires new land be zoned SR-1 after it is annexed, until it is permanently zoned. The proposed Code recognizes the existing County zoning until it is changed by the City.

**Commented [PN35]:** Currently NU Non-Urban.

**Commented [PN36]:** Currently SR3 Single-Family Residential.

**Commented [PN37]:** Currently SR1 Single-Family Residential.

**Commented [PN38]:** Currently SR2 Single-Family Residential.

**Commented [PN39]:** New zoning district for lots between 7,000 and 9,000 square feet (primarily subdivisions approved prior to 1978 or through the Planned Residential/Planned Development Procedures).

1. The R4 District is intended to accommodate detached houses in suburban or walkable neighborhood settings and to create transitions to complimentary and supporting uses.

F. **R5 – Residential 5**

1. The R5 District is intended to accommodate residential uses with a wide range of housing types at strategic locations where a concentration of housing near public amenities and other support facilities and services improves transitions to more intense uses or provides broader public benefits.

G. **R6 – Residential 6**

1. The R6 District is intended to accommodate a variety of residential uses with a wide range of housing types in a compact and walkable neighborhood setting, adjacent to activity centers and walkable destinations. A well-designed public realm provides a focal point to integrate a variety of building types and create a consistent neighborhood character.

**Commented [PN40]:** Currently MR Multi-Family.

**Commented [PN41]:** This is a new zoning district modeled after the “Village Residential” land use recommended in the Comprehensive Plan. It requires/encourages a mix of residential uses and housing types in a walkable neighborhood setting.

**Section 415.030 Dimensional Standards**

A. **Table 415.030, Residential Dimensional Standards**, lists the dimensional standards for each residential zoning district. Refer to **Chapter 410, Article III, Measurements and Exceptions**, for additional standards.

**Commented [PN42]:** Currently, dimensional standard are listed separately in each zoning district. This table combines all zoning districts in one table for easy reference.

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**Table 415.030 Residential Dimensional Standards**

	RR	R1	R2	R3	R4	R5	R6
<b>Lot Standards (minimum)</b>							
Lot Area <i>square feet</i>	130,680 (3 acres)	43,560 (1 acre)	15,000	9,000	7,000	7,000	3,000 <sup>[1]</sup>
Lot Area Per Dwelling Unit <i>square feet</i>	130,680 (3 acres)	43,560 (1 acre)	15,000	9,000	7,000	3,500	2,000 <sup>[1]</sup>
Lot Width <i>feet</i>	250	100	70	70	50	50	35 <sup>[1]</sup>
Lot Width Per Duplex or Townhouse Dwelling Unit <i>feet</i>	-	-	-	-	-	35	20 <sup>[1]</sup>
Lot Depth <i>feet</i>	None	None	None	None	None	None	None
<b>Setbacks (minimum)</b>							
Front Setback <i>feet</i>	90	50	35	25	20	30	10 <sup>[1]</sup>
Side Setback <i>feet</i>	35	20	8	7	6	10	5 <sup>[1]</sup>
Rear Setback <i>feet</i>	50	50	30	25	20	30	5 <sup>[1]</sup>
Building Separation <i>feet</i>	-	-	-	-	-	15	10
<b>Other Standards (maximum)</b>							
Building Height <i>feet</i>	35	35	35	35	35	40	40
Floor Area Ratio	-	-	-	-	-	-	-
Lot Coverage	-	-	-	-	-	-	-
Net Density <i>Dwelling Units Per Acre</i>	-	-	-	-	6	12	18
<b>Notes</b>							
[1] Front-loaded detached houses shall comply with the dimensional standard in the R4 Zoning District. Front-loaded duplexes and townhouses shall comply with the dimensional standard in the R5 Zoning District.							

**Commented [PN43]:** Yellow = New Zoning Districts or new standards  
Green = Less restrictive change  
Orange = Mixed change

**Commented [PN44]:** The existing code requirements have different dimensional standards based on the building type (multi-family, townhouse, duplex, etc). The proposed standards do away with this distinction. Depending on the building type, this may result in a more or less restrictive standard

**Commented [PN45]:** Currently, plats recorded prior to March 21, 1978 are not subject to setbacks, and lot width requirements. These lots account for 29% of all single family lots.

The proposed code eliminates this exception, but reduces the side setback in R3 from 8 feet to 7 feet (the setback requirement when the lots were approved by St. Charles County). The majority of these lots should comply with the proposed dimensional standards.

**Commented [PN46]:** Existing code requirement is 30 feet or 20% of the lot depth (whichever is greater).

**Commented [PN47]:** Existing code requirement is 25 feet or 20% of the lot depth (whichever is greater).

**Commented [PN48]:** The existing code limits building height in feet and stories.

**Commented [PN49]:** Existing code requirement is 6 feet.

**Commented [PN50]:** This is meant to incentivize rear-loaded detached houses, duplexes, and townhouses in R6.

**Section 415.040 Allowed Uses**

- A. **Table 420.040**, *Table of Allowed Uses*, lists the principal, accessory and temporary uses allowed within each residential zoning district, and cross-references to use-specific standards.

**Section 415.050 Application Procedures**

- A. Certain development activities require approval of one or more applications identified in **Table 405.010**, *Summary Table of Application Procedures*, in accordance with **Chapter 405**, *Administration and Procedures*.

**Section 415.060 Additional Standards**

- A. Certain development activities and applications are subject to **Chapter 425**, *Development Standards*, and **Chapter 430**, *Subdivision and Improvement Standards*.

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## Article IV Nonresidential and Mixed-Use Zoning Districts

### Section 415.070 Purpose Statements

#### A. MU – Mixed Use

1. The MU District provides walkable and active development within the City's core commercial areas with an emphasis on high-quality building and site design. The MU District is intended to allow for a mixture of residential and nonresidential uses while ensuring compatibility with surrounding established neighborhoods.

**Commented [PN51]:** New district to implement recommendations of Comprehensive Plan.

#### B. CO – Commercial-Office

1. The CO District provides service and office uses in a campus setting, where larger institutional and office complexes are arranged around internal streets and open spaces, along with other smaller and supporting uses and businesses.

**Commented [PN52]:** Currently BP Business Park.

#### C. C1 – Commercial 1

1. The C1 District provides small-scale retail, service, and office uses in close proximity to residential neighborhoods, and should be well integrated with the supporting neighborhoods character and pattern, whether suburban or walkable.

**Commented [PN53]:** Currently CB Community Business.

#### D. C2 – Commercial 2

1. The C2 District provides a wide range of retail, service and office uses along commercial corridors and major arterials that draw patrons from the City, surrounding communities, and the broader region.

**Commented [PN54]:** Currently HC Highway Commercial.

#### E. LI – Light Industrial

1. The LI District provides primarily manufacturing and distribution uses at a scale, intensity and format that is unlikely to have significant impact on adjacent uses. Service, office and retail uses that are compatible with these industrial uses may be integrated into the district.

#### F. PA – Public Activity

1. The PA district is intended to accommodate public and quasi-public uses and activities with unique operational and site characteristics.

### Section 415.080 Dimensional Standards

- A. **Table 415.080, *Nonresidential and Mixed-Use Dimensional Standards***, lists the dimensional standards for each nonresidential and mixed-use zoning district. Refer to **Chapter 410, Article III, *Measurements and Exceptions***, for additional standards.

**Commented [PN55]:** Currently, dimensional standard are listed separately in each zoning district. This table combines all zoning districts in one table for easy reference.

**Table 415.080 Nonresidential and Mixed-Use Dimensional Standards**

**Commented [PN56]:** Yellow = New Zoning Districts or new standards  
 Green = Less restrictive change  
 Orange = Mixed change

	MU	CO	C1	C2	LI	PA
<b>Lot Standards (minimum)</b>						
<b>Lot Area</b> <i>square feet</i>	-	-	21,780 (0.5 acre)	21,780 (0.5 acre)	43,560 (1 acre)	43,560 (1 acre)
<b>Lot Area Per Dwelling Unit</b> <i>square feet</i>	1,500	-	-	-	-	-
<b>Lot Width</b> <i>feet</i>	-	-	-	-	150	-
<b>Lot Width Per Duplex or Townhouse Dwelling Unit</b> <i>feet</i>	-	-	-	-	-	-
<b>Lot Depth</b> <i>feet</i>	-	-	-	-	-	-
<b>Setbacks (minimum)</b>						
<b>Front Setback</b> <i>feet</i>	-	50	50	42 <sup>[2]</sup>	50	35
<b>Side Setback</b> <i>feet</i>	-	15	10	9	25	9
<b>Rear Setback</b> <i>feet</i>	-	30	45	20	25	20
<b>Building Separation</b> <i>feet</i>	-	-	-	-	-	-
<b>Other Standards (maximum)</b>						
<b>Building Height</b> <i>feet</i>	40	70 <sup>[1]</sup>	30	30	50	35
<b>Floor Area Ratio</b>	-	-	1.25	1.25	-	-
<b>Lot Coverage</b>	-	60%	None	None	-	-
<b>Net Density</b> <i>Dwelling Units Per Acre</i>	30	-	-	-	-	-

**Commented [PN57]:** Currently 1 acre.

**Notes**

[1] 50 feet where a proposed building is located less than 300 feet from any platted and improved detached house lot located in any residential zoning district and in existence on January 1, 2007.

[2] 20 feet when all parking areas are located in the side or rear yards.

### Section 415.090 Allowed Uses

- A. **Table 415.080** lists the principal, accessory and temporary uses allowed within each nonresidential and mixed-use zoning district, and cross-references to use-specific standards.

### Section 415.100 Application Procedures

- A. Certain development activities require approval of one or more applications identified in **Table 405.010**, *Summary Table of Application Procedures*, in accordance with **Chapter 405**, *Administration and Procedures*.

### Section 415.110 Additional Standards

- B. Certain development activities and applications are subject to **Chapter 425**, *Development Standards*, and **Chapter 430**, *Subdivision and Improvement Standards*.

## Article V Overlay Zoning Districts

### Section 415.120 Generally

- A. Creation and Amendments
1. The creation and amendment to an Overlay District shall be made pursuant to **Section 405.100**, *Zoning Map Amendment*.
- B. Conflicts
1. Where a specific overlay standard is imposed, it is to be followed in lieu of a general provision of this Code.
  2. Where the overlay district does not address a required standard and it is otherwise contained in this Code, the standard in this Code shall be followed.
  3. In the event of a conflict between the standards of the overlay zoning district and this Code, the standards governing the overlay district shall control.
  4. In the event of a conflict between the standards of the overlay zoning district and other standards in this Code, the most restrictive shall control.
  5. In some instances, land may be classified into multiple overlay districts. In the event of an express conflict between the standards of the multiple overlay districts, the most restrictive standards shall apply.

### Section 415.130 PUD - Planned Unit Development Overlay District

- A. Purpose
1. The PUD District is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development, and other community goals by:
    - a. Reducing or eliminating the inflexibility that may result from strict application of the standards of this Code that were designed primarily for individual lots;
    - b. Allowing greater freedom in selecting the means to provide access, site design, open space, and design amenities;

**Commented [PN58]:** Current, setbacks and lot standards are unique for each PD/PR district. This makes figuring out the applicable setbacks and lot standards confusing and time consuming for the public and for staff.

The PUD District replaces existing Planned Residential (PR) and Planned Development (PD) Districts. PR and PD Districts are base zoning districts. The PUD District is an overlay district (where the PUD district does not address a required standard and it is otherwise contained in this Code, the standard in this Code shall be followed).

PUDs are common in adjacent municipalities and are easier to administer.

- c. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
  - d. Requiring compliance with development standards that reflect the high level of public investment in adjoining lands; and
  - e. Facilitating implementation of the Lake Saint Louis Comprehensive Plan and development in the interest of health, safety and welfare of the residents of Lake Saint Louis.
- B. Previously Approved Planned Developments
1. The following zoning districts and developments, including development plans and any associated text and standards, which were approved prior to the effective date of this Code are now designated as separate PUD Overlay Districts, and shall continue in effect and be considered legally conforming under this Code:
    - a. Properties with a prior zoning designation of Planned Development District (PD) or Planned Residential District (PR), and which have been platted, developed, or granted approval of a Preliminary Development Plan or Final Development Plan that is valid as of the effective date of this Code.
    - b. Areas platted prior to March 21, 1978 and subject to a "zero lot line" development concept, more specifically identified as the Patio Cove I, Patio Cove II, Patio Cove III, and Patio Green subdivisions.
  2. Developments identified in **subsection B.1** shall be subject to all applicable standards of this Code, including those of the underlying base zoning district, except where expressly modified by this Article or by a previously approved ordinance, resolution, plan, plat, or other approval.
  3. Preliminary development plans, final development plans, and site plans for areas approved prior to the effective date of this Code for developments identified in **subsection B.1** will be considered to be master plans (**Section 405.150**) or site plans (**Section 405.160**), as determined by the Community Development Director.
  4. Any proposed modification of a previously approved planned development listed in **subsection B.1** shall be reviewed in accordance with the requirements of this Article.
- C. Eligibility
1. An application for a zoning map amendment (**Section 405.100**) to include a property in the PUD Overlay District may only be accepted for review and consideration if the application meets the following criteria:
    - a. *Need*. The proposed development could not be developed using conventional zoning districts or standards.
    - b. *Minimum Size*. At least one of the following criteria is met:
      - (1) The development includes a contiguous area of at least five acres; or
      - (2) The development contains at least 50,000 square feet of nonresidential gross floor area; or

**Commented [PN59]:** The existing Code does not have minimum eligibility criteria for PR and PD Districts. PUD districts are intended for larger projects only.

(3) The development contains at least 100 dwelling units.

- c. *Unified Control.* The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that a unified ownership remains.
- d. *Public Benefit.* A recognizable and material public benefit will be realized through the establishment of a PUD Overlay District, where such benefit would otherwise be infeasible or unlikely.

D. **Procedures**

- 1. Requests to include property in a PUD Overlay District requires the concurrent approval of the following applications:
  - a. Zoning Map Amendment (**Section 405.100**); and
  - b. Preliminary Plat (**Section 405.120**), or
  - c. Site Plan (**Section 405.160**), or
  - d. Master Plan (**Section 405.150**).
- 2. The PUD Overlay District shall be applied over the underlying base zoning district and depicted accordingly on the Official Zoning Map (e.g. "R1-PUD" or "C1-PUD").

E. **Regulatory Flexibility**

- 1. Unless otherwise expressly allowed by this Article and approved by the Board of Aldermen during the approval process, property located in the PUD Overlay District shall be subject to all applicable standards of this Code, including those of the underlying base zoning district.
- 2. To encourage flexibility and creativity, the Board of Aldermen may impose additional standards beyond those contained elsewhere in this Code and may approve specific exceptions from or modifications to the requirements of the underlying base zoning district and other requirements of this Code as a part of the approval process.
- 3. Any regulatory modification shall be approved through a finding by the Board of Aldermen that the modification addresses a unique situation, provides substantial benefit to the City, or incorporates an innovative design, layout, or configuration resulting in a higher quality result over what could have been accomplished through strict application of the base zoning district standards or other standards of this Code.
- 4. After a property has been included in the PUD Overlay District, requests by individual property owners for relief from the approved standards shall require approval of a minor adjustment (**Section 405.220**) or variance (**Section 405.230**), except where an alternative process is specified elsewhere in this Code. Requests to modify the development standards for multiple properties shall be processed as a new application accordance with **subsection D**.

**Section 415.140 UPT - Uptown Overlay District**

A. **Purpose**

**Commented [PN60]:** The existing Code requires approval of a "Preliminary Development Plan" and "Final Development Plan" associated with zoning to a PR or PD District. These plans are often confused with site plans and plats and there are not clear submittal requirements.

The proposed Code simplifies this process by requiring approval of a Preliminary Plat, Site Plan, or Master Plan concurrently with a request for zoning amendment.

**Commented [PN61]:** This district is currently named the "Downtown Lakefront Redevelopment Overlay District". The requirements have been revised to eliminate conflicts and redundant requirements, and to incorporate recommendations of the Comprehensive Plan.

1. The purpose of the Uptown Overlay District is to facilitate the revitalization of the area near the intersection of Lake Saint Louis Boulevard and Interstate 70 into a walkable, mixed-use district in accordance with the recommendations of the City's Comprehensive Plan.
- B. Applicability
1. The requirements of this Article shall apply to all buildings, structures, sites and properties within the Uptown Overlay District as depicted on the Official Zoning Map, unless specifically modified herein and with the following exception:
    - a. **Subsection E** shall only apply to development activities requiring approval of a site plan (**Section 405.160**) or master plan (**Section 405.150**).
- C. Procedures
1. Development within the Uptown Overlay District shall follow the applicable procedures in **Chapter 405, Administration and Procedures**.
- D. Allowed Uses
1. The land uses allowed in the underlying zoning district are allowed in the Uptown Overlay District, with the following modifications:
    - a. The number of dwelling units within the district shall not exceed 150.
    - b. Dwelling units are not permitted on ground floors.
- E. Dimensional Standards
1. **Table 415.140, UPT - Uptown Overlay District Dimensional Standards**, lists the dimensional standards for the Uptown District. Refer to **Chapter 410, Article III, Measurements and Exceptions**, for additional standards.

**Table 415.140 UPT - Uptown Overlay District Dimensional Standards**

<b>Lot Standards (minimum)</b>	
<b>Lot Area</b> <i>square feet</i>	-
<b>Lot Area Per Dwelling Unit</b> <i>square feet</i>	-
<b>Lot Width</b> <i>feet</i>	-
<b>Lot Width Per Duplex or Townhouse Dwelling Unit</b> <i>feet</i>	-
<b>Lot Depth</b> <i>feet</i>	-
<b>Setbacks (minimum)</b>	
<b>Front Setback</b> <i>feet</i>	None, except buildings fronting Lake Saint Louis Boulevard must be located no closer than 20 feet and no further than 30 feet from the right-of-way line of Lake Saint Louis Boulevard.
<b>Side Setback</b> <i>feet</i>	-
<b>Rear Setback</b> <i>feet</i>	None, except 20 feet from rear lot lines abutting Lake Saint Louis.
<b>Building Separation</b> <i>feet</i>	12

<b>Other Standards (maximum)</b>	
<b>Building Height</b> <i>feet</i>	70 feet - lots on the north side of Lake Saint Louis Boulevard and fronting Veterans Memorial Parkway.  50 feet - all other lots
<b>Floor Area Ratio</b>	-
<b>Lot Coverage</b>	80%
<b>Net Density</b> <i>Dwelling Units Per Acre</i>	-

## F. Development Standards

### 1. Parking

- a. Parking areas shall be designed to not overpower the character of the development nor appear as a dominant feature of the site.
- b. Surface parking lots shall be located to the rear or side of the building.
- c. Surface parking lots shall be prohibited within the front yard setback.
- d. Surface parking lots shall be prohibited within the rear yard setback for lots adjacent to Lake Saint Louis.
- e. Shared parking is encouraged.
- f. Parking structures shall be provided with a façade designed to mimic the adjacent buildings, so as to assist in integrating and camouflaging the structure.

### 2. Lighting

- a. Foot-candles fade to a zero (0.0) reading at property lines abutting Lake Saint Louis.
- b. Architectural lighting, particularly as buildings are viewed from the Lake Saint Louis, is highly encouraged.

### 3. Site Circulation

#### a. Sidewalks

- (1) Sidewalks, at least six feet in width, shall be provided on both sides of all streets and/or along the full length of any facade featuring a customer entrance and along any facade abutting a public parking area.
- (2) Sidewalks are required extending from the public pathway system to front door of the establishment.
- (3) Front doors of all buildings will be physically and visually connected to one another by sidewalks or other pedestrian pathways that clearly delineate the importance of the pedestrian and pedestrian movement.
- (4) Crosswalks, in compliance with district-wide standards, will be placed at all street intersections, drive entrances, and internal walkways.
- (5) Casual meeting areas in park-like settings featuring landscaping, benches, pedestrian oriented lighting are encouraged along sidewalks and pathways.

#### b. Promenade

- (1) All projects located south of Lake Saint Louis Boulevard and having frontage along Lake Saint Louis or Peruque Creek shall provide a public promenade along that frontage within the boundaries of the property being developed.
- (2) The promenade shall be design in accordance with the following:
  - (a) Allow public access for walking, biking, dining, and viewing
  - (b) Include amenities such as landscaping, trees, seating areas, and pedestrian lighting.
  - (c) The width of the promenade should be as wide as possible to allow its use as a multi-functional, public space. The minimum clear width, as necessary in constrained areas, should be no less than 12 feet, or more if needed to accommodate emergency or maintenance vehicles.

4. Landscaping

- a. Views toward the Uptown District from residences across Lake Saint Louis should be respected by using landscaping and trees to soften the views of buildings and lights. Existing mature trees along the bluff shall be preserved where feasible.

G. Waivers and Modifications

1. The standards of this Section may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
  - a. Minor adjustment (**Section 405.220**)
  - b. Variance (**Section 405.230**)
  - c. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

## Chapter 420 Use Regulations

### Article I Purpose and Organization

- A. This Chapter identifies the land uses allowed in the City's zoning districts and establishes the use-specific standards that apply to certain uses. This Chapter is organized as follows:
1. **Article II:** Table of Allowed Uses, lists the uses allowed by zoning district and cross-references to use-specific standards.
  2. **Article III:** Use-Specific Standards, establishes the unique standards applicable to certain land uses.
  3. **Article IV:** Accessory Uses and Structures, establishes general standards applicable to uses and structures that are accessory to the primary use of the property and/or structure.
  4. **Article V:** Temporary Uses and Structures, establishes general standards applicable to non-permanent uses and structures.

### Article II Table of Allowed Uses

#### Section 420.000 General

- A. **Table 420.040, Table of Allowed Uses**, lists the principal uses allowed within each base zoning district. Listed uses are defined in **Section 410.100** as applicable.
- B. Approval of a use listed in **Table 420.040, Table of Allowed Uses**, and compliance with applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in **Table 420.040, Table of Allowed Uses**, and approved under the appropriate process, is prohibited.

#### Section 420.010 Use Categories and Use Types

- A. In **Table 420.040, Table of Allowed Uses**, land uses are classified by general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and intensity of activity, the type of customers or residents, operation requirements, how goods or services are sold or delivered, and typical site conditions.
- B. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.
- C. This classification does not list every use or activity that may appropriately exist within the categories.
- D. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories.
- E. The use categories are an indexing tool and are not regulatory.

**Commented [PN62]:** In the existing Code, land uses are listed separately in each zoning district resulting in conflicting terminology and inconsistent requirements. All uses have been consolidated into one table for easy reference. See Table 420.040, *Table of Allowed Uses*

## Section 420.020 Explanation of Use Permissions

### A. Permitted Use

1. A “P” designation in **Table 420.040, Table of Allowed Uses**, indicates that the use is allowed by right in the respective zoning district. Permitted uses are approved administratively by the Community Development Director through the issuance of a business license or a certificate of occupancy.

### B. Special Use

1. An “S” designation in **Table 420.040, Table of Allowed Uses**, indicates that the use is allowed in the respective zoning district only with approval of a special use permit (**Section 405.170**).

### C. Prohibited Use

1. A blank cell in **Table 420.040, Table of Allowed Uses**, indicates that the use is prohibited in the respective zoning district.

### D. Use-Specific Standards

1. Regardless of whether or not a use is allowed by right or with approval of a special use permit, additional standards may be applicable to that use. Such use-specific standards are identified and cross-referenced in **Table 420.040, Table of Allowed Uses**, and contained in **Article III, Use-Specific Standards**.

### E. Number of Principal Buildings or Uses Per Lot

1. A development, building, or lot may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a permitted use or a special use in that zoning district, that a special use permit is obtained for any special use, and all use-specific standards applicable to each use are met.
2. Only one principal building shall be located on a single lot for the following land uses: detached house, duplex, and townhouse.
3. Multiple buildings may be permitted on a single lot for the following land uses if each building and site development complies with this Code: multi-unit building, mixed-use, and nonresidential uses.

## Section 420.030 Use Determination and Unlisted Uses

### A. Determination of Appropriate Use Category and Type

1. The Community Development Director shall make the determination if a proposed use is permitted, permitted with standards, a special use, or a prohibited use.
2. When a proposed land use is not listed in **Table 420.040, Table of Allowed Uses**, the use is prohibited unless the Community Development Director determines that the use is reasonably comparable to a use that is already listed.
3. In making such determination, the Community Development Director shall consider information on the use as may be available from third-party land use resources such as the North American Industry Classification System (NAICS).

**Commented [PN63]:** Some land uses are subject to additional standards. The existing Code lists these standards throughout the Code in an inconsistent manner. The proposed code cross references them in the *Table of Allowed Uses*, and all are located in Chapter 420, Article II.

**Commented [PN64]:** The existing Code prohibits more than one building per lot, although it is already common in multi-family and commercial developments.

**Commented [PN65]:** In the existing Code, unlisted uses are prohibited, except in some districts, the Code states that the Board of Aldermen may approved unlisted uses on a case-by-case basis.

The proposed Code establishes a procedure for the Community Development Director to determine if an unlisted use is permitted because it is reasonably comparable to a use that is already listed. These decisions are appealable to the Board of Adjustment.

4. The Community Development Director shall also determine whether or not additional use-specific standards are necessary to reduce potential impacts to the surrounding properties or the community.
- B. Notice of Determination
1. The Community Development Director shall send a written notification of the use category and use type determination to the applicant.
  2. The use determination shall become effective immediately.
- C. Post-Determination Actions
1. Appeals of the Community Development Director's determination shall be made following the procedures under **Section 405.240**, *Appeal of Administrative Enforcement*.
  2. If the determination of an appropriate use category and use type results in a finding that the use will be a common use or would create confusion by remaining unlisted, the Community Development Director may initiate an application for a text amendment (**Section 405.100**), to revise **Table 420.040**, *Table of Allowed Uses*, accordingly.
  3. Until final action is taken on the text amendment application, the use determination by the Community Development Director shall be binding.

**Section 420.040 Table of Allowed Uses**

**Commented [PN66]:** The proposed permitted and special uses (by zoning district) correspond as closely as possible to the existing permitted and special uses. Any changes are based on existing land uses in the City, the Comprehensive Plan, and current market trends.

New uses were added based on existing uses in the City, the Comprehensive Plan, and current market trends, and are highlighted in yellow.

Uses that are currently not listed as permitted or require a special use permit and are proposed to be permitted by right or by special use permit are highlighted in green.

Uses that are currently permitted and are proposed to require a special use permit or are prohibited are highlighted in pink.

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**Table 420.040 Table of Allowed Uses**

Key: P = Permitted, S = Special Use, A=Accessory Use, T=Temporary Use, Blank = Prohibited Use

Use	RR	R1	R2	R3	R4	R5	R6	MU	CO	C1	C2	LI	PA	Use Standard Code Section
<b>Agriculture and Animal Uses</b>														
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	420.060.A
Animal Grooming								P		P	P			
Commercial Horse Stable	S										S			
Kennel	P													420.060.B
Veterinary Clinic and Hospital								P		S	P			
<b>Residential Uses</b>														
<b>Household Living</b>														
Detached house	P	P	P	P	P		P							
Duplex						P	P							
Townhouse						P	P							
Multi-Unit Building						P	P	P						
Multi-Unit Building, Age-Restricted						P	P	P	P		S			420.070.A
<b>Group Living</b>														
Congregate Care Facility						S	S	S	S		S			420.070.B
Group Home	P	P	P	P	P	P	P							420.070.C
<b>Public, Institutional, and Civic Uses</b>														
<b>Community and Cultural Facilities</b>														
Assembly								P	P	P	P		P	
Civic Building								P	P	P	P		P	
Membership Club								P		P	P			

Use	RR	R1	R2	R3	R4	R5	R6	MU	CO	C1	C2	LI	PA	Use Standard Code Section
Meeting, Banquet, Event, or Conference Facility								P	P	P	P			
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Day Care Facilities</b>														
Day Care Center						S	S	S	S	S	S		S	
<b>Educational Facilities</b>														
School, Post-Secondary and Vocational								P	P	P	P		P	
School, Primary and Secondary		S	S	S	S	S	S	P	P	P	P		P	
<b>Health Care Facilities</b>														
Hospital									S					
Medical or Dental Clinic								P	P	P	P			
Treatment Facility								S	S	S	S			420.080.A
<b>Parks and Open Space</b>														
Park, Playground, and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery, Mausoleum, and Columbaria	S												P	
<b>Commercial Uses</b>														
<b>Automobile-Related Uses</b>														
Automobile Wash										S	P			
Automotive Repair Shop										S	P			
Automotive Sales or Leasing											P			
Gasoline Station										S	P			420.090.A
Motor Vehicle Sales or Leasing												S		
Commercial Parking Lot										S	P			
<b>Food and Beverage Establishments</b>														
Bar, Lounge, or Tavern								P	P	P	P			
Catering Service								P	P	P	P			

Use	RR	R1	R2	R3	R4	R5	R6	MU	CO	C1	C2	LI	PA	Use Standard Code Section
Microbrewery, Microdistillery, or Microwinery								P	P	P	P			
Restaurant								P	P	P	P			
<b>Lodging Facilities</b>														
Hotel								P	P	P	P			
Short-Term Rental	S	S	S	S	S	S	S	S						
<b>Maintenance and Repair Services</b>														
Repair Facility, Major												P		
Repair Facility, Minor										P	P	P		
<b>Medical Marijuana Facilities</b>														
Medical Marijuana Cultivation												P		420.090.B
Medical Marijuana Dispensary								P		P	P			420.090.B
Medical Marijuana-Infused Products Manufacturing												P		420.090.B
Medical Marijuana Testing									P			P		420.090.B
<b>Office, Business, and Professional Services</b>														
Automated Teller Machine (Stand-Alone)									P	P	P			
Bank or Financial Institution								P	P	P	P			
Office, General								P	P	P	P	P		
<b>Personal Services</b>														
Personal Services								P		P	P			
Tattoo and Body Piercing Parlor														
<b>Recreation and Entertainment</b>														
Marina													P	

Use	RR	R1	R2	R3	R4	R5	R6	MU	CO	C1	C2	LI	PA	Use Standard Code Section
Private Golf Course, Tennis Club, Country Club or Clubhouse	S	S	S	S	S	S	S							
Recreation Facility, Indoor								P	P	P	P	P	S	
Recreation Facility, Outdoor								S	S	S	S	S	S	
<b>Retail Sales</b>														
Building Materials and Supply Store											P			
Convenience Store								P		P	P			
Equipment Sales and Rental										P	P	P		
Grocery Store								P		P	P			
Landscape Supply Store										S	P			
Garden Supply Store										P	P			
Liquor Store								P			P			
Retail Sales, General								P	S	P	P			
<b>Sexually Oriented Businesses</b>														
Sexually Oriented Business												S		420.090.C
<b>Industrial Uses</b>														
<b>Manufacturing &amp; Production</b>														
Manufacturing, Artisan								P	S	S	P	P		
Manufacturing, Light									S			P		
Research and Development									P			P		
<b>Storage, Distribution, and Warehousing</b>														
Contractor Offices and Outdoor Storage Yards												P		420.150.J
Data Center									P			P		420.100.A
Self-Storage Facility										S	S	S		420.100.B
Storage, Distribution, and Warehousing												P		

Use	RR	R1	R2	R3	R4	R5	R6	MU	CO	C1	C2	LI	PA	Use Standard Code Section
<b>Utilities and Communications</b>														
<b>Utilities</b>														
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, Major											S	S	S	
<b>Wireless Communications</b>														
Wireless Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	420.110
Wireless Support Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	420.110

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## Article III Use-Specific Standards

### Section 420.050 Generally

- A. Applicability
  - 1. All uses subject to use-specific standards as indicated in **Table 420.040**, *Table of Allowed Uses*, shall comply with the standards in this Article.
  - 2. Use-specific standards shall apply to all zoning districts where that use is permitted as indicated in **Table 420.040**, *Table of Allowed Uses*, unless specifically noted otherwise.
- B. Conflicts
  - 1. Where a use-specific standard is imposed, it is to be followed in lieu of a general provision of this Code.
  - 2. Where the use-specific standard does not address a required standard and it is otherwise contained in this Code, the standard in this Code shall be followed.
  - 3. In the event of a conflict between the use-specific standards and other standards of this Code, the use-specific standards shall control.
- C. Modifications
  - 1. Modifications of any dimensional or numeric standard may be approved in accordance with **Section 405.220**, *Minor Adjustment*.
  - 2. Unless otherwise stated in this Article, other deviations from the use-specific standards in this Article may only be approved in accordance with **Section 405.170**, *Special Use Permit*.

### Section 420.060 Agriculture and Animal Uses

- A. Agriculture
  - 1. RR Zoning District
    - a. Commercial farming is only permitted on lots greater than 10 acres.
    - b. Vehicles and machinery that are customarily incidental to such uses are permitted.
    - c. Any feed lot, feeding floor or structure for housing of livestock or poultry shall be set back at least 200 feet from any property line.
    - d. The keeping of swine is prohibited.
    - e. Density of horses or ponies or cattle shall not exceed one per grazing acre.
  - 2. Other Zoning Districts
    - a. Agriculture is permitted on developed or partially developed properties having been assessed as agricultural by the St. Charles County Assessor's Office in accordance with **Section 220.230** of the Municipal Code.
- B. Kennel
  - 1. Commercial kennels are permitted on lots greater than 10 acres. Buildings and pens shall be set back at least 200 feet from property lines.
  - 2. Non-commercial kennels are permitted on lots less than 10 acres in size. Buildings and pens shall be set back at least 100 feet from property lines.

**Section 420.070 Residential Uses**

- A. Multi-Unit Building, Age-Restricted
  - 1. All residents must be at least 55 years of age. Building caretakers and medical support personnel are exempted from this age requirement.
  - 2. The maximum density is 18 dwelling units per net acre.
- B. Congregate Care Facility
  - 1. The maximum density is 18 dwelling units per net acre.
  - 2. The minimum dwelling unit size is 600 square feet.
- C. **Group Home**
  - 1. No more than eight unrelated mentally or physically handicapped persons may reside in any individual group home.
  - 2. Two additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home, may also reside on the premises.
  - 3. The exterior appearance of any group home and property shall be in reasonable conformance with scale, massing, appearance, site design, architecture, other characteristics and general neighborhood standards of the area within which the group home is located, as determined by the Community Development Director.
  - 4. No group home may be established on any lot which is adjacent to any portion of the lot line of any existing group home, whether such existing group home is located within or outside the City.
  - 5. No group home which is owned or operated in whole or in part by an affiliated person or entity that owns or operates, in whole or in part, an existing group home may be located on the same or opposite side of the street upon which such an existing affiliated group home has any frontage within the same block as the existing affiliated group home, whether such existing affiliated group home is located within or outside the City.

**Commented [PN67]:** Updated standards to comply with state statute, including eliminating the existing separation distance of 500 feet between group homes.

**Section 420.080 Public, Institutional, and Civic Uses**

- A. Treatment Facility
  - 1. In residential facilities, no more than 20 persons per net acre shall reside in the building at any one time.
  - 2. The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other dwellings and/or structures in the vicinity.
  - 3. A treatment facility shall not be located closer than 1,000 feet to any other substance abuse treatment facility.

**Section 420.090 Commercial Uses**

- A. Gasoline Stations
  - 1. Use Restrictions
    - a. Hours of operations shall be approved as a part of the special use permit procedure.

- b. The total gasoline/fuel storage capacity of each station shall not exceed 60,000 gallons.
  - c. Within enclosed buildings, the sale of automotive accessories, automotive products or additives and miscellaneous food, magazines, video rentals, beverages and other items serving the convenience of the motorist public shall be permitted.
  - d. Facilities for lubrication, battery and brake service, tire repair, minor adjustments, repairs and mechanical washing facilities are permitted.
  - e. No more than three service bays are permitted.
  - f. Facilities for painting, auto body work, steam cleaning, major auto repairs, utility truck and trailer rental are prohibited.
  - g. When a station becomes vacant for any reason for a period exceeding one year, the property owner shall be required to remove or improve the station. All flammable material, storage tanks and/or storage areas shall be removed or secured in a manner approved by the City.
2. Locational Restrictions
- a. Gasoline stations shall be located adjacent to freeway interchanges or on arterial and collector roads that connect directly to an interchange.
  - b. No portion of a gasoline station, pump dispenser, or service island shall be located within 200 feet of a property containing a gasoline station, residential use, place of worship, health care facility, or educational facility. The distance shall be computed by direct measurement from the nearest property line of the land used for the previously described purposes to the nearest portion of the gasoline station, pump dispenser, or service island.
  - c. On a divided arterial road, a maximum of two gasoline stations may be allowed at a four-corner intersection, regardless of their distance from one another.
3. Dimensional Standards
- a. The maximum lot coverage is 70 percent.
  - b. Except for entrances/exits, all pavement, including drive aisles and parking spaces, shall be set back a minimum of 10 feet from all property lines.
4. Multi-Pump Dispensers, Service Islands and Canopies
- a. One multi-pump dispenser is permitted for every 3,630 square feet of lot area, not to exceed 18 total.
  - b. All multi-pump dispensers shall be mounted on raised, concrete service islands and be covered with a canopy.
  - c. The following minimum setback requirements shall apply:

**Table 420.090.A.4, Multi-Pump Dispensers, Service Islands and Canopies Setbacks**

	Front	Side	Rear	Other
<b>Multi-Pump Dispenser</b>	20 feet	20 feet	35 feet	25 feet between multi-pump dispensers located in the same service island
<b>Service Island</b>	None	None	None	20 feet between service islands
<b>Canopy</b>	15 feet	10 feet	10 feet	None
<b>Canopy support posts</b>	20 feet	None	None	None

5. Outdoor Displays

- a. Storage of all merchandise shall be within an enclosed building except as permitted for limited time periods by the Community Development Director and in conformance with the following standards:
  - (1) Displays shall not be located within a service island area.
  - (2) Only automotive petroleum products and additives and supplies may be displayed next to a service island.
  - (3) In all cases, said promotional displays shall not impede pedestrian ingress, egress or vehicular traffic site lines.
  - (4) All such items shall be displayed no closer than 20 feet from any property line.

6. Accessory Buildings

- a. Accessory buildings or structures shall not be permitted except for mechanical car wash, service island, canopies and trash enclosures.

7. Landscaping

- a. In addition to the landscape regulations in **Chapter 425, Article II**, the following landscape regulations shall apply to gas station developments:
  - (1) The entire landscaped area shall be separated from the paved area by a six inch vertical concrete curb.
  - (2) All areas not required to be paved shall be required to be landscaped with a mixture of trees and grass and any combination of trees, shrubs, flowers, grass or other living ground cover to reduce or slow water runoff, restrict blowing trash, and deter improper and unsafe access and site use by the public.
  - (3) Landscaped areas shall not be used for the purpose of storing vehicles, trailers or other equipment.
  - (4) Irrigation systems shall be installed in landscaped areas.

B. Medical Marijuana Facilities

1. Purpose and Intent

- a. The purpose of this subsection is to regulate the placement and operation of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted

by the Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health safety, and welfare of the residents, businesses, and property owners in the City.

2. Definitions

- a. The applicable definitions in **Chapter 410, *Definitions and Interpretations***, shall apply in interpretation and enforcement of this subsection, unless otherwise specifically stated. Terms not expressly defined in this Code shall have the meaning set forth in Mo. Const. art. XVI, Section 1(2), enacted as Amendment 2 (2018) to the Missouri Constitution and approved by Missouri voters on November 6, 2018, relating to access to medical marijuana, if defined therein.

3. Licensing Requirements

- a. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services.
- b. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.
- c. Each Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall at all times possess a current City business license. By obtaining a City business license, the facility licensee irrevocably consents to the immediate closure and cessation of operation of the facility in addition to all other penalties or remedies available by law for the failure to possess a current City business license.

4. Location Limitations

- a. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be located within the following:
  - (1) 1,000 feet of a place of worship, primary or secondary school, or child day care center.
  - (2) 1,000 feet of another Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility except when marijuana sales represents less than five percent of the dollar volume of business in a state or federally licensed pharmacy. Facilities under the same ownership and on the same property are exempt from this requirement.
  - (3) 1,000 feet of a public park or public recreational facility.
  - (4) 500 feet of a residential zoning district.

b. Measurements

(1) The distances described in subsection B.4.a(1) shall be computed as follows:

(a) In the case of a freestanding medical marijuana facility, the distance between the facility and the place of worship, primary or secondary school, or child day care center shall be measured from the external wall of the facility structure closest in proximity to the place of worship, primary or secondary school, or child day care center. If the place of worship, primary or secondary school, or child day care center is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the place of worship, primary or secondary school, or child day care center closest in proximity to the facility.

(b) In the case of a medical marijuana facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the place of worship, primary or secondary school, or child day care center shall be measured from the property line of the place of worship, primary or secondary school, or child day care center to the facility's entrance or exit closest in proximity to the place of worship, primary or secondary school, or child day care center. If the place of worship, primary or secondary school, or child day care center is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the place of worship, primary or secondary school, or child day care center closest in proximity to the facility.

(c) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(2) The distances described in subsections B.4.a(2), B.4.a(3) and B.4.a(4) shall be computed by direct measurement from the nearest property line to the nearest portion of the building housing the Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility, using a straight line.

(3) The distances described herein may be reduced by the Board of Aldermen, upon recommendation of the Planning and Zoning Commission, and in such instances, approval of a special use permit is required in accordance with **Section 405.170**.

5. Operation Limitations

a. A Medical Marijuana Dispensary Facility may open no earlier than 8:00 A.M. and shall close no later than 10:00 P.M. the same day. A Medical Marijuana Dispensary Facility may be open seven days a week.

b. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical

**Commented [PN68]:** The method of measurements from places of worship, education facilities, and licensed child daycare centers was revised based on rules approved by the State after adoption of the City's regulations. Instead of measuring the distance between property lines, the State requires that the distance be measured by walking distance.

Marijuana Dispensary Facility shall emit an odor or in any way cause a public nuisance as defined in **Chapter 220** of the Municipal Code, *Nuisances*. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.

- c. The consumption, inhalation or other personal use of marijuana or marijuana-infused products on or within the premises of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility is prohibited.
- d. The consumption, inhalation or other personal use of marijuana or marijuana-infused products on or within the premises of a Medical Marijuana Testing Facility is permitted during the testing process and only as it relates to the testing process.

C. **Sexually Oriented Businesses**

- 1. No sexually oriented business shall be permitted within 1,200 feet of any place of worship, school, public park or any property zoned for residential use, or any city boundary. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the religious institution, school, public park, or the property zoned for residential use, or to the closest point of the city boundary.
- 2. No sexually oriented business shall be allowed to locate or expand within 1,000 feet of any other sexually oriented business or of any business licensed to sell or serve alcoholic beverages whether or not such business is also a sexually oriented business. Such distances shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
- 3. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area.
- 4. No merchandise, symbol, or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.
- 5. No sexually oriented business shall operate or take place partially or totally outside the establishment.

**Section 420.100 Industrial Uses**

A. Data Center

- 1. In the CO Zoning District, data centers with a building footprint greater than 50,000 square feet require approval of a special use permit.

**Commented [PN69]:** The existing Code does not specifically address “adult” or “sexually-oriented” uses, which means that they are currently prohibited. Regulations that ban sexually oriented business may be challenged based on First Amendment protections, and may be struck down if they fail to meet the following standards established by the Supreme Court:

- Are content neutral,
- Serve a substantial governmental interest,
- Allow for reasonable alternative avenues of communication, and
- Be narrowly tailored to meet the substantial governmental interest.

The proposed Code allows sexually oriented businesses as a special use in the LI – Light Industrial District, subject to specific use standards which are consistent with standards established by Supreme Court decisions.

B. Self-Storage Facility

1. In the LI Zoning District, self-storage facilities shall be comprised of brick, stone or decorative masonry material for 100 percent of the facade(s) facing a public street and/or facing any residential area.
2. In the C1 and C2 Zoning Districts, self-storage facilities shall be fully enclosed and individual storage units shall only be accessible from indoors.
3. No outdoor storage of commercial vehicles, heavy equipment, machinery, or recreational vehicles is permitted.

**Section 420.110 Utilities and Communications**

A. Wireless Communications

1. Purpose

- a. The purposes of these regulations are to regulate the placement and construction of wireless facilities and wireless support structures in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless communications marketplace in the City. Specifically, these regulations are intended to:

- (1) Provide for the appropriate location and development of wireless communication infrastructure to serve the citizens and businesses of the City;
- (2) Minimize adverse visual impacts of wireless facilities and wireless support structures through careful design, siting, landscape screening and innovative camouflaging techniques;
- (3) Ensure that any new support structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;
- (4) Encourage the use of disguised support structures so as to ensure the architectural integrity and the scenic qualities of areas within the City;
- (5) Ensure that regulation of wireless facilities does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among providers of functionally equivalent services; and
- (6) Comply with applicable law including the Federal Telecommunications Act of 1996, 47 U.S.C. § 332 and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, RSMo. 67.5090 et seq.

2. Applicability

- a. Except as otherwise noted, the requirements herein shall apply to all wireless facilities and wireless support structures as defined in **Section 410.100**. The following are exempt from the regulations of this subsection to the extent indicated:

- (1) Parabolic or other similar antennas not exceeding one meter in diameter, regardless of zoning district.

**Commented [PN70]:** The existing Code does not allow self-storage facilities except in the LI and CB Zoning Districts; however, one was recently approved in the HC District. The proposed Code allows self-storage facilities, but only if they are fully enclosed and do not have outdoor storage.

**Commented [PN71]:** Updated to comply with state statute.

- (2) Parabolic or other similar antennas not exceeding two meters in diameter in nonresidential and mixed-use zoning districts.
  - (3) Antennas designed to receive local television broadcast signals, regardless of zoning district.
  - (4) Low-powered networked communications facilities such as micro-cell radio transceivers located on existing utility poles and light standards within public right-of-way.
  - (5) Send and receive citizen band radio antennas or antennas operated by federally licensed amateur (“ham”) radio operators.
  - (6) Industrial, scientific and medical equipment using frequencies regulated by the FCC.
  - (7) Military, federal, state or local government wireless facilities and wireless support structures used exclusively for navigational purposes, emergency preparedness, and public safety purposes.
3. Definitions
- a. Any term not expressly defined in **Chapter 410**, *Definitions and Interpretations*, shall have the meaning set forth in RSMo. 67.5090 through 67.5104.
4. General Standards
- a. Primary or Accessory Use
    - (1) Wireless facilities and wireless support structures may be either a primary use or accessory use in all zoning districts, subject to any applicable zoning district requirement relating to location or setback.
  - b. Regulatory Compliance
    - (1) All wireless facilities and wireless support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other governmental agency with the authority to regulate such facilities and wireless support structures.
    - (2) Should such standards or regulations be amended, then the owner shall bring such facilities and wireless support structures into compliance with the revised standards or regulations within six months of the effective date of the revision, unless an earlier date is mandated by the controlling agency.
  - c. Building codes, safety standards and zoning compliance
    - (1) To ensure the structural integrity of wireless facilities and wireless support structures, such facilities and support structures shall be constructed and maintained in compliance with all standards contained in any state or local building code, National Electric Safety Codes, as amended from time to time.
    - (2) In addition to any other approvals required hereunder, no wireless facilities and wireless support structures shall be erected prior to the issuance of a building permit.
  - d. Removal of antenna support structures

- (1) Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense.
  - (2) The owner and applicable co-users shall provide the City with a copy of any notice to the FCC of intent to cease operations and shall have 90 days from the date of ceasing operations to remove the facility and/or support structure.
  - (3) In the case of co-use, this provision shall not become effective until all users cease operations.
  - (4) Any wireless support structure, or the upper portion of any wireless support structure, which is occupied by an inactive antenna for a period of six months shall be deemed a nuisance and shall be removed by the City at the owner's expense.
- e. Unlawful operation of wireless facilities or wireless support structures
- (1) Notwithstanding any right that may exist for a governmental entity to operate or construct a wireless facility or support structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new wireless facility or support structure in violation of this division, regardless of whether such facility or support structure is located on land owned by a governmental entity.
- f. Design Standards
- (1) Color and Finish
    - (a) Wireless facilities and wireless support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the FAA and/or any applicable governmental agency, be painted a neutral color consistent with the natural or built environment of the site.
    - (b) Wireless facilities other than antennae shall have an exterior finish compatible with the natural or built environment of the site.
    - (c) Wireless facilities mounted on a building or a disguised support structure shall be of a color identical to or closely compatible with the surface to which they are mounted and should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of a building.
  - (2) Height
    - (a) Wireless facilities and wireless support structures mounted on the ground shall not exceed 50 feet in height unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public safety communication system of a governmental entity sharing the support structure.
      - (i) Such showing must also be supported by the opinion of a consultant hired by the City at the expense of the applicant.

- (ii) The report of the consultant shall include a statement that no available alternatives exist to exceeding the height limitation or the reason why such alternatives are not viable.
  - (b) Wireless facilities installed on a building shall not exceed 20 feet from the highest point of the building, other than for licensed amateur radio uses.
- (3) Landscaping
  - (a) Wireless facilities, wireless support structures and cabinets mounted on the ground shall be surrounded by a landscape strip of not less than 10 feet in width and planted with materials which will provide a visual barrier to a minimum height of six feet at the time of installation.
  - (b) Such landscape strip shall be exterior to any security fencing.
  - (c) In lieu of the required landscape strip, a minimum six-foot-high decorative fence or wall may be approved upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
- (4) Location and Setbacks
  - (a) Wireless support structures and wireless facilities shall comply with the minimum setback requirements for principal structures in the zoning district in which they are located.
  - (b) All wireless support structures shall be separated from any detached houses or duplexes a distance equal to the height of the wireless support structures.
  - (c) Ground anchors of all guyed wireless support structures shall be located on the same parcel as the wireless support structures and comply with the minimum setback requirements for principal structures.
  - (d) Subject to these regulations and to the extent required by Missouri Statutes, antennas shall be permitted in rights-of-way but not the rights-of-way the City acquired by fee. The City may impose market rate fees for use of rights-of-way
- (5) Parking & Storage
  - (a) Vehicle or outdoor storage on any the site of any wireless facility or wireless support structure is prohibited.
  - (b) On-site parking for periodic maintenance and service shall be provided at all locations as deemed necessary by the Community Development Director or by the Board of Aldermen in the case of a special use permit.
- (6) Security
  - (a) All wireless facilities and wireless support structures shall be protected from unauthorized access by appropriate security devices.
  - (b) A description of proposed security measures shall be provided as part of any application to install, build or modify wireless facilities and wireless support structures.
  - (c) Additional measures may be required as a condition of approval.

(7) Lighting

- (a) Wireless facilities and wireless support structures shall not be lighted unless required by the FAA or other governmental agency with authority to regulate. In such case, a description of the required lighting scheme shall be made a part of the application to install, build or modify the wireless facilities or wireless support structures.

(8) Advertising

- (a) Unless a wireless facilities and/or wireless support structure is disguised in the form of an advertising device, such as a pylon sign or similar structure, the placement of advertising on support structures, cabinets or shelters regulated by this division is prohibited.

5. Review Procedures and Requirements

a. Time limits

- (1) All applications regarding wireless facilities and wireless support structures shall be processed in accordance with the time limits established by RSMo. 67.5090 through 67.5103.

b. Fees

- (1) Fees for applications regarding wireless facilities and wireless support structures shall not exceed the limits established by RSMo. 67.5090 through 67.5103.

c. Permitted Uses

- (1) The following are permitted uses and may be approved administratively:

- (a) *Collocation and replacement of existing antennas.* Applications shall be required to comply with all applicable state and local building codes, National Electric Safety Code, recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not be required to comply with other zoning or land use requirements, including design or placement requirements.
- (b) *Mounting of antennas on buildings or structures.* The mounting of antennas on any building or structure such as a water tower, provided that the presence of the antennas is concealed by architectural elements or camouflaged by painting a color identical to the surface to which they are attached.
- (c) *Disguised support structure.* The construction of a disguised support structure, provided that all related equipment shall be placed underground when the structure is located on property zoned for residential use. Equipment may be placed in a cabinet if the disguised support structure is incidental to a multifamily, institutional, or nonresidential use.
- (d) *Wireless facilities and wireless support structures on public lands.* The installation of wireless facilities or the construction of a wireless support structure on buildings or land owned by the federal government, the state, a political subdivision of the state, or the City.

**Commented [PN72]:** The existing Code requires DRB approval for these types of installations, and some require approval of a Special Use Permit. The proposed Code allows these types of installations to be approved administratively.

- (e) *Dual solar panel antennas.* The placement of dual solar panel antennas on wooden or steel utility poles, not to exceed 40 feet in height, provided that all related equipment is contained in a cabinet.
  - (f) *Temporary Wireless Support Structures.* Wireless support structures erected and maintained for a period not to exceed 30 days for the purpose of replacing an existing wireless support structure, testing an existing or proposed network, or special events requiring mobile wireless support structures.
  - (g) *Small Wireless Facilities.* In accordance with **Section 511.400** of the Municipal Code, *Small Wireless Facility Deployment*, and with the exception of those small wireless facilities meeting the criteria listed in **subsection A.5.d.(1).(c).**
- d. Special Permit Uses
- (1) The following require approval of a special use permit in accordance with **Section 405.170** and if applicable, RSMo. 67.5090 through 67.5103:
    - (a) All proposals to install, build or modify a wireless facility or wireless support structure not listed in **subsection A.5.c.**
    - (b) The mounting of a proposed wireless facility on a preexisting wireless support structure which, as applied to the structure as it was originally constructed:
      - (i) Increases the existing vertical height of the structure by more than 10 percent; or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or
      - (ii) 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 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 wireless support structure via cable);
      - (iii) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or
      - (iv) Increases the square footage of the existing equipment compound by more than 1,250 square feet.
    - (c) In accordance with **Section 511.400** of the Municipal Code, *Small Wireless Facility Deployment*, small wireless facilities which meet the following criteria:
      - (i) Small wireless facilities attached to an existing utility pole or wireless support structure and located on private property in the RR, R1, R2, R3, or R4 zoning districts; or

- (ii) Small cell wireless facilities attached to a new, replacement or modified pole and located on private property in the RR, R1, R2, R3, or R4 zoning districts; or
  - (iii) Small cell wireless facilities attached to a new, replacement or modified pole and located in the right-of-way adjacent to property in the RR, R1, R2, R3, or R4 zoning districts; or
  - (iv) Small cell wireless facilities attached to a new, replacement or modified pole and higher than 50 feet above ground elevation and higher than 10 feet above the height of the tallest existing utility pole installed prior to January 1, 2019, located within 500 feet of the subject site.
- (2) Review Criteria
- (a) Minimal height of the proposed wireless support structure, consistent with technical requirements of the wireless communication service.
  - (b) Maximum distance of the wireless support structure from residential structures and residential district boundaries.
  - (c) Utilization of surrounding topography to minimize visibility of the wireless support structure from existing and future residential areas and public streets.
  - (d) Utilization of surrounding tree coverage and foliage to minimize visibility of the wireless support structure from existing and future residential areas and public streets.
  - (e) Design of the wireless support structure, with particular reference to design characteristics that have the effect of the camouflaging facilities or otherwise reducing or eliminating visual obtrusiveness.
  - (f) Proposed ingress and egress.
  - (g) Compliance with other provisions of this subsection.
- e. Building Permit
- (1) No wireless facilities or wireless support structures shall be erected prior to the issuance of a building permit (**Section 500.010**).

## Article IV Accessory Uses and Structures

### Section 420.120 Purpose

- A. The purpose of this Article is to establish minimum standards for accessory uses and structures that are incidental and customarily subordinate to principal uses. These standards are established to minimize adverse impacts on surrounding properties and the community.

### Section 420.130 Accessory Uses and Structures Allowed

- A. Unless expressly prohibited, accessory uses and structures are permitted in any zoning district in connection with any allowable principal use, and are subject to use-specific standards in **Section 420.150, *Additional Standards for Specific Accessory Uses and Structures***.

- B. Small accessory structures such as doghouses, benches, garden decorations, mailboxes, and similar items shall be exempt from the provisions of this Article provided they do not have a footprint that exceeds 50 square feet.
- C. Except as provided in this Code, the use of inflatable garages or storage structures, portable carports or garages that are not permanent anchored into a foundation, temporary structures, portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

**Section 420.140 Standards for All Accessory Uses and Structures**

- A. Ownership
  - 1. Accessory structures and uses shall be under the same ownership as the principal structure and use.
- B. Relationship to Principal Uses and Structures
  - 1. Any accessory use or structure shall be conducted and located on the same lot as the principal use or structure.
  - 2. Unless otherwise allowed by this Code, an accessory use or structure shall not be established prior to the establishment of the principal use or structure.
  - 3. No accessory use or structure shall be allowed unless the principal structure or use is being used.
- C. Standards
  - 1. Accessory uses and structures are subject to the same dimensional standards as required for principal structures in each zoning district, except as specifically stated in **Table 410.130.G**, *Permitted Setback Projections*, or elsewhere in this Code.
  - 2. Accessory structures are permitted in front, rear and side yards only as specified in **Table 410.130.G**, *Permitted Setback Projections*, or elsewhere in this Code.
  - 3. On double frontage lots, for the purposes of allowing accessory uses and structures which are permitted in the rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard, not the front yard.
  - 4. No accessory structure shall exceed the size or height of the principal building.
  - 5. Outdoor storage associated with any accessory use or structure is prohibited except as specifically stated in this Code.
  - 6. All accessory structures that require a building permit shall be architecturally compatible with its associated principal structure and/or screened from view of abutting properties and public rights-of-way.

**Section 420.150 Additional Standards for Specific Accessory Uses and Structures**

- A. Generally
  - 1. Conflicts
    - a. Where a use-specific standard is imposed, it is to be followed in lieu of a general provision of this Code.

- b. Where the use-specific standard does not address a required standard and it is otherwise contained in this Code, the standard in this Code shall be followed.
  - c. In the event of a conflict between the use-specific standards and other standards of this Code, the use-specific standards shall control.
2. Modifications
- a. Modifications of any dimensional or numeric standard may be approved in accordance with **Section 405.220, *Minor Adjustment***.
  - b. Unless otherwise stated in this Article, other deviations from the use-specific standards in this Article may only be approved in accordance with **Section 405.170, *Special Use Permit***.
- B. Agricultural Structures
- 1. Agricultural structures are permitted in the RR Zoning District.
  - 2. Agricultural structures may be established prior to the establishment of the principal use or structure.
  - 3. Agricultural structures may exceed the size or height of the principal building.
  - 4. Use of such structures is limited to the occupant(s) of the property.
  - 5. Stables shall be set back a minimum of 200 feet from any property line.
  - 6. Density of horses or ponies or cattle shall not exceed one per grazing acre.
- C. Buildings For Storage
- 1. Buildings for storage, such as utility sheds, are not permitted in residential zoning districts.
- D. Caretaker's Residence
- 1. A caretaker's residence is permitted in mixed-use and nonresidential zoning districts.
- E. Donation Collection Bin
- 1. Donation collection bins are permitted in the PA Zoning District.
- F. Drive-Through/Drive-Up Facilities
- 1. Drive-Through/Drive-Up Facilities are permitted in mixed-use and nonresidential zoning districts, and require approval of a special use permit when located in the MU Zoning District.
- G. Fences
- 1. Refer to **Section 425.110, *Fences***.
- H. Home Occupations
- 1. The following uses, and other uses determined by the Community Development Director to be similar in nature and impact, are permitted home occupations:
    - a. Nursery schools and day care centers caring for 10 or fewer children.
    - b. Dressmakers, seamstresses, tailors.
    - c. Music teachers, provided that instructions shall be limited to one pupil at a time, except for occasional groups.
    - d. Artists, sculptors and authors or composers.
    - e. Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.

**Commented [PN73]:** Prior to 2006, accessory residential storage structures were permitted and could not exceed 10% of the gross floor area of the home and 12 feet in height. Since 2006, residential storage structures have been prohibited.

**Commented [PN74]:** Caretaker's residences are currently prohibited.

- f. Ministers, rabbis, priests.
  - g. Office facilities for salesmen, sales representatives, manufacturers' representatives, when no retail or wholesale sales are made or transacted on the premises or where no warehousing occurs.
  - h. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment is used or employed other than that which would customarily be found in the home. Machinery or equipment which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or vocation not conducted for gain or profit.
2. The following uses are prohibited home occupations:
- a. Barber shops and beauty parlors.
  - b. Dancing schools.
  - c. Funeral homes.
  - d. Nursery schools and day care centers caring for 11 or more children.
  - e. Restaurants.
  - f. Stables, kennels or animal hospitals.
  - g. Medical or dental offices or clinics, including chiropractors, veterinarians, podiatrists, etc.
  - h. Lodging home including, but not limited to, bed and breakfast.
  - i. Motor vehicle repair or service.
  - j. Maintenance or outfitting of major recreational equipment including, but not limited to, boats, motor homes, camping trailers and other recreational vehicles.
  - k. Tattoo parlor/piercing salon, except that ear piercing may be allowed as a service, accessory to and complimentary to the sale of earrings.
  - l. Sale of firearms.
3. Limitations
- a. In addition to all use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following provisions:
    - (1) The business shall not employ persons other than family members who reside on the premises.
    - (2) No more than 25 percent of the total enclosed floor area, including basement, garage or attic spaces of a dwelling unit, may be used for such business.
    - (3) No alteration of a principal residential structure shall be made which changes the character thereof as a dwelling.
    - (4) No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the place of business.
    - (5) There shall be no exterior storage of equipment or material used in connection with the business.

(6) There shall be no traffic or parking generated by a home occupation in addition to that customary to a residential unit.

I. Motor Vehicle Repair and Service

1. Repair or service of any motor vehicle is permitted in residential zoning districts if the activities are confined within a completely enclosed building or the repairs are minor in nature and are fully completed within a period of 24 hours or less.
2. All such repairs shall be limited to motor vehicles owned by the property occupant or an entity in which the occupant has a financial interest.
3. Repair and restoration of vehicles owned by any party other than the occupant, or an entity in which the occupant has a financial interest, is prohibited.
4. In the RR Zoning District, repair and restoration of automobiles and light trucks (for street purposes only), recreational vehicles, boats, agricultural tractors and accessory trailers are also permitted in accessory buildings and at locations and under provisions approved for outdoor storage.
5. Under no circumstances shall the repair and restoration of vehicles be a home occupation or business.
6. All activities shall comply with **Chapter 365** of the Municipal Code, *Stopping, Standing or Parking Restricted or Prohibited on Certain Streets*.

J. Outdoor Storage

1. RR District

a. Setbacks and Screening

- (1) Outdoor storage shall be located behind the front line of the principal structure and within the required side and rear yard setbacks.
- (2) Unless otherwise noted, all outdoor storage shall be screened in accordance with **Section 425.100, Screening**.
- (3) Outdoor storage within 200 feet of any residentially zoned property shall be screened so that the materials being stored cannot be seen from the ground level of said residentially zoned property.

b. *Recreational Vehicles, Utility Trailers and/or Agricultural Equipment*. The outdoor storage of recreational vehicles, utility trailers and/or agricultural equipment is permitted in accordance with the following:

- (1) The maximum number of recreational vehicles, utility trailers and/or pieces of agricultural equipment (such as a tractor and tractor implements, which will be considered as one vehicle) that may be stored outdoors is three.
- (2) All shall be currently licensed (if applicable), be in immediately operable condition and not in a visible state of disrepair.
- (3) No other motor vehicles may be stored outdoors except in compliance with **Chapter 365** of the Municipal Code, *Stopping, Standing or Parking Restricted or Prohibited on Certain Streets*.

c. *Lawn mowing equipment*. The outdoor storage of lawn mowing equipment is permitted if the equipment is in immediately operable condition and not in a visible state of disrepair.

- d. *Firewood*. The outdoor storage of firewood, for use of the occupant, is permitted without screening when stored on racks or evenly piled or stacked, and when located behind the front line of the property's principal structure and otherwise contained within the boundaries of required setback lines for rear yards and side yards.

2. **MU, C1 and C2 Zoning Districts**

- a. Outdoor storage shall be located behind the front line of the principal structure and in conformance with the required side and rear yard setbacks.
- b. Areas devoted to outdoor storage shall be paved.
- c. Outdoor storage shall be screened in accordance with **Section 425.100, Screening**.
- d. No materials shall be stacked above the top of the screening device. Items extending beyond the top of the screening device are permitted provided they are not stacked.
- e. Outdoor displays of merchandise for sale may be located in the front yard and do not require screening.
- f. Seasonal sales or one-time special events that incorporate outdoor displays and sales are a temporary use subject to **Section 420.190.F, Outdoor Displays and Sales**.

Commented [PN75]: New standards for outdoor storage.

3. **LI Zoning District**

- a. Outdoor storage shall be located behind the front line of the principal structure.
- b. Outdoor storage shall be screened in accordance with **Section 425.100, Screening**.
- c. Outdoor storage is permitted on an adjacent lot under the same ownership or management control, when the adjacent lot has an approved primary use and when the outdoor storage on the lot is clearly accessory to the approved primary use on the adjacent lot.
- d. Outdoor displays of merchandise for sale is not permitted.

K. **Parking**

- 1. In accordance with **Chapter 425, Article III, Parking, Access, and Mobility**.

L. **Rain Barrels**

1. **General Requirements**

- a. The unit or device's overflow hose shall be directed safely away from it, and shall not obstruct or drain upon a neighboring property.
- b. The unit or device may be elevated by a concrete, wood, or brick paver platform, that shall not exceed eight inches in height.
- c. The unit or device shall not be connected directly to a downspout. A minimum five-inch air gap shall separate the downspout and the unit or device's lid to provide easy access to clean the screening and to prevent ice damming in the event the unit or device is not properly winterized.
- d. The unit or device shall be cleaned at least annually.

- e. The system shall be used and maintained in a manner that does not cause a public nuisance and may be subject to inspection and/or enforcement action as a result of a complaint.

## 2. Design Standards

- a. The rain barrel unit or device, whether constructed or manufactured, may vary in style, but shall function as a collector of rooftop rain water for reuse purposes.
- b. The unit or device shall have a tight-fitting lid, kept securely attached to the device.
- c. The unit or device's opening shall be protected with a corrosion-resistant metallic fine mesh (0.05 inch by 0.05 inch) to prevent mosquitoes from entering.
- d. The capacity or volume of the unit or device shall not exceed 65 gallons.
- e. The unit or device shall have an overflow hose affixed to the upper portion of it to allow release of excess water.
- f. The exterior of the unit or device shall not be painted or decorated in such a manner that is inconsistent with the surrounding area or offensive to the general senses of the neighboring properties.
- g. The number of units or devices serving a given structure shall not exceed the number of downspouts serving the structure.

## 3. Location Standards

- a. The unit or device shall only be located in an interior side yard or the rear yard of a property.
- b. The outer edge of the container shall not exceed five feet from the building from which the water is collected.

## M. Solar Energy Systems

### 1. General Requirements

- a. A building permit is required prior to the installation of any solar energy system unless otherwise exempted by the Building Official.
- b. The owner of a solar energy system shall ensure that the installation, inspection, maintenance, repair and replacement of the solar energy system and all its components are in accordance with all applicable municipal codes, NFPA 70 and the requirements of any other State or Federal agency of competent jurisdiction.
- c. All wiring associated with a solar energy system shall be routed underground or contained within a raceway that complements the building materials of the principal structure.
- d. Solar energy collectors shall be located in the least visible location from perspectives outside the property lines where panels would be reasonably, though not necessarily optimally, functional.
- e. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing

- reflectivity of less than 30 percent or shall be placed such that concentrated sunlight or glare shall not be directed onto nearby properties or streets.
- f. Building-integrated solar energy systems shall be allowed regardless of visibility, provided that the building-integrated system meets all required setback, height and land use requirements for the district in which the building is located.
  - g. Solar energy system design shall be performed by a qualified solar installer or by an electrical engineer licensed by the State of Missouri. All solar energy system installations shall be performed by or supervised by the system designer.
2. Ground-mounted solar energy systems
    - a. Ground-mounted solar energy systems shall only be located in the rear and side yards of a property.
    - b. In residential zoning districts, ground-mounted solar energy systems and supporting structures may not exceed a total height of five feet as measured from the average grade at the base of the supporting structure to the highest edge of the system and shall be installed such that the ground underneath can be properly maintained.
    - c. In nonresidential zoning districts, ground-mounted solar energy systems and supporting structures may not exceed a total height of 20 feet as measured from the average grade at the base of the supporting structure to the highest edge of the system.
    - d. The area below ground-mounted solar energy systems shall have decorative mulch or rock that has a retaining border capable of retaining the mulch or rock within the intended area.
    - e. Ground-mounted solar energy systems shall be substantially screened from public view (including adjacent properties and public rights-of-way) by walls, plantings, or other architectural features or a combination thereof; provided, however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.
  3. Building-mounted solar energy systems
    - a. Building-mounted solar energy systems shall be:
      - (1) Installed in the plane of the roof (flush-mounted); or
      - (2) Made part of the roof design (capping or framing compatible with the color of the roof or structure).
    - b. Where solar energy equipment is installed on roofs, the roof shall be constructed to support the loads imposed by such modules.
    - c. When located on a sloped roof, solar energy collectors shall be located on a rear- or side-facing roof, as viewed from a fronting street. In cases of corner lots or lots with more than one street frontage, the side of the roof fronting a street shall be considered a front-facing roof.
    - d. Solar energy systems shall not project vertically above the peak of a sloped roof to which it is attached.

- e. When located on a sloped roof, solar energy collectors shall be positioned in a symmetrical fashion and centered on the plane of the roof on which they are located.
  - f. Solar energy collectors installed on a flat roof must be screened by the use of a parapet or other architectural feature to screen the view from the street or from ground level on adjoining properties.
  - g. All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible from the street.
  - h. Building-mounted solar energy systems on an accessory building may be located on any roof that is not facing the principal structure frontage.
- N. Swimming Pools (outdoor)
- 1. Above-ground swimming pools, except temporary pools with a depth of less than 18 inches, are prohibited.
  - 2. Swimming pools shall be located behind the rear wall of the principal building and may encroach into the required side and rear yard setbacks in accordance with **Section 410.130.G, Exceptions**.
  - 3. The swimming pool shall be completely surrounded by an approved barrier as required by the building code, and in accordance with **Section 425.110, Fences**.
  - 4. Mechanical equipment, such as pumps and filters, shall be screened in accordance with **Section 425.100, Screening**.
  - 5. Plantings shall be used to complement the swimming pool and soften its visual impact.
  - 6. Light fixtures, standards and all exposed accessories shall be complementary to the building and swimming pool design. Lighting shall be restrained in design, and excessive brightness and brilliant colors avoided. In no case can floodlights be used.
  - 7. Temporary fencing shall be installed prior to the commencement of excavation for a swimming pool. The temporary construction fence shall be erected to prevent entry to the pool excavation site by unauthorized persons. The maximum time limit for temporary fencing is 30 days from issuance of the building permit. At the end of 30 days a permanent fence must be in place.
- O. Trash Enclosures
- 1. Trash enclosures shall comply with **Chapter 235** of the Municipal Code, *Solid Waste*.
  - 2. Trash enclosures may encroach into the required front, side and rear yard setbacks in accordance with **Section 410.130.G, Exceptions**. Enclosures shall be located to minimize visual and impacts and odors on the primary street frontage and neighboring properties and uses to the maximum extent feasible.

## Article V Temporary Uses and Structures

**Commented [PN76]:** The existing Code does not specifically address temporary uses and structures.

### Section 420.160 Purpose

- A. The purpose of this Article is to establish standards for temporary uses and structures and to minimize the impacts such uses and structures may have on surrounding properties or the community.

### Section 420.170 Temporary Uses and Structures Allowed

- A. The permitted temporary uses and structures are listed in **Section 420.190**, *Additional Standards for Specific Temporary Uses and Structures*.

### Section 420.180 Standards for All Temporary Uses and Structures

- A. Temporary uses and structures shall:
1. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  2. Contain sufficient land area to handle the temporary use or structure without disturbing environmentally sensitive lands; and
  3. Accommodate the parking and traffic movement associated with the temporary use.
- B. Temporary uses and structures are not subject to the dimensional standards in **Chapter 415**, *Zoning Districts* unless otherwise stated in this Code.

### Section 420.190 Additional Standards for Specific Temporary Uses and Structures

- A. Generally
1. Conflicts
    - a. Where a use-specific standard is imposed, it is to be followed in lieu of a general provision of this Code.
    - b. Where the use-specific standard does not address a required standard and it is otherwise contained in this Code, the standard in this Code shall be followed.
    - c. In the event of a conflict between the use-specific standards and other standards of this Code, the use-specific standards shall control.
  2. Modifications
    - a. Modifications of any dimensional or numeric standard may be approved in accordance with **Section 405.220**, *Minor Adjustment*.
    - b. Unless otherwise stated in this Article, other deviations from the use-specific standards in this Article may only be approved in accordance with **Section 405.170**, *Special Use Permit*.
- B. Construction Trailer
1. A sales/leasing office of the developer or his/her designated realty agent may be conducted on the premises. This sales/leasing activity shall be limited to sale of lots and/or sale/leasing of dwelling units of the designated subdivision or

development. Under no circumstances shall this sales/leasing office be the principal business location of the developer or his/her designated realty agent.

2. The construction trailer shall:
  - a. Be located on the same site or in the same development as the related construction;
  - b. Be associated with development for which a valid building permit has been or will be issued; and
  - c. Be allowed to remain on the site until the issuance of a certificate of occupancy.
  - d. Comply with **Section 365.110** of the Municipal Code, *Permits for Parking*.

C. **Display House**

1. One display house per 15 dwelling units proposed for the overall subdivision or development shall be permitted (a minimum of one display house, with a maximum of five display houses).
2. Display houses are to be clustered and shall be located within 600 feet of a fire hydrant.
3. Where applicable, pedestrian walkways shall be provided between and connecting the parking area and the various display/model units.
4. Construction of the display house may commence when an all-weather road is completed to the site in thickness and width equivalent to the required aggregate base for city streets and in the location of a proposed city street.
5. Display houses may be constructed prior to approval and recording of a record plat (**Section 405.130**) subject to the following conditions:
  - a. The preliminary plat (**Section 405.120**) and s (**Section 405.180**) have been approved.
  - b. A building permit is issued (**Section 500.010**).
    - (1) Prior to the issuance of a building permit, if the record plat has not been recorded, the applicant shall submit a construction financial guarantee in accordance with **Chapter 430, Article IX, Required Improvements and Guarantees**.
    - (2) The financial guarantee shall be in an amount equal to the cost to remove or demolish the display houses.
    - (3) The financial guarantee shall be refunded to the applicant at the time the record plat is recorded with St. Charles County.
    - (4) The City may draw upon the financial guarantee to remove or demolish the display houses in accordance with **subsections B.6.e**.
  - c. The display house shall be on an approved lot of record within one year of the issuance of a building permit, unless a longer period is approved by the Community Development Director.
  - d. If the record plat has not been filed within that time-frame, the owner of the property shall be responsible for the removal of all display houses from the property.

**Commented [PN77]:** The existing "model home" regulations have been rewritten in conformance with current polices and practice.

**Commented [PN78]:** The existing code does not require a financial guarantee, but this is common in other municipalities.

- e. Failure of the owner to remove the display houses from the property within 30 days constitute the granting of authority to the City to remove the display houses, the cost of which shall be borne by the owner and may become a lien against the property.
  - 6. Use of the display house may commence prior to the installation of streets and other improvements, provided that the owner shall secure, as applicable, permission from the applicable fire protection district.
  - 7. A sales/leasing office of the developer or his/her designated realty agent may be conducted on the premises. This sales/leasing activity shall be limited to sale of lots and/or sale/leasing of dwelling units of the designated subdivision or development. Under no circumstances shall this sales/leasing office be the principal business location of the developer or his/her designated realty agent.
  - 8. Display houses may be used until all lots and dwelling units within a subdivision or development are sold or leased.
  - 9. Prior to the listing of the units used for display purposes for sale/lease to the general public, the developer shall return the units to a habitable condition, removing all improvements made for the conduct of business.
- D. Garage Sales
- 1. Shall comply with **Chapter 215, Article XIV** of the Municipal Code, *Garage Sales*.
- E. Mobile Food and Beverage Service
- 1. Shall comply with **Chapter 250** of the Municipal Code, *Special Events*.
- F. Outdoor Displays and Sales
- 1. Outdoor displays and sales are permitted in nonresidential and mixed-use zoning districts.
  - 2. Display areas shall be on paved surfaces only.
  - 3. Parking spaces may be used if the remaining parking spaces are sufficient to meet the minimum parking requirements.
  - 4. Loading zones shall not be used.
  - 5. Pedestrian facilities shall be preserved.
  - 6. Vehicular movement shall not be altered.
  - 7. Pavement marked for fire and emergency lanes is not used or negatively impacted.
  - 8. Only seasonal merchandise that is regularly offered by retail business may be offered in temporary outdoor display areas.
  - 9. No additional signage shall be allowed.
  - 10. The Community Development Director may impose additional restrictions unique to individual site circumstances.
- G. Portable Storage Container
- 1. Shall comply with **Chapter 530** of the Municipal Code, *Regulation of Portable Storage Containers*.
- H. Special Event

1. Shall be in accordance with **Chapter 250** of the Municipal Code, *Special Events*.

## Chapter 425 Development Standards

### Article I Purpose and Organization

- A. This Chapter includes standards that regulate the physical layout and design of development within the City to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to achieve a more attractive, efficient, and livable community.

This Chapter is organized as follows:

1. **Article II, Landscape, Screening, and Fencing**
2. **Article III, Parking, Access, and Mobility**
3. **Article IV, Residential Site and Building Design**
4. **Article V, Mixed-Use and Nonresidential Site and Building Design**
5. **Article VI, Exterior Lighting**
6. **Article VII, Signs**
7. **Article VIII, General Performance Standards**
8. **Article IX, Floodplain Management**
9. **Article X, Riparian Corridors**

### Article II Landscape, Screening, and Fencing

#### Section 425.000 Purpose

- A. The purpose of this Article is to ensure that landscaping, screening, and fencing is provided to:
1. Protect and enhance the visual appeal of the City of Lake Saint Louis;
  2. Contribute to high-quality development;
  3. Improve air quality;
  4. Buffer potentially incompatible neighboring land uses;
  5. Mitigate the environmental and visual impacts of surface parking areas; and
  6. Protect property values.

#### Section 425.010 Applicability

- A. **Section 425.030, Required Landscaping, Section 425.040, Landscaping Standards, and Section 425.050, Installation**, shall apply to the following:
1. The construction of new principal buildings.
  2. Activities which require approval of a site plan (**Section 405.160**).
- B. All other sections shall apply to all land uses unless otherwise exempted by this Article.
- C. Modification of Existing Landscaping, Screening or Fencing

1. Any landscaping, screening or fencing provided before the effective date of this Code shall not be permanently modified, removed or reduced in a way that would bring the property out of conformance with this Article or would increase the degree of any existing nonconformity.
2. The modification of any existing required landscaping, screening or fencing, shall be reviewed in accordance with **Section 405.080.D, Amendments to Approved Applications.**

**Section 425.020 Waivers and Modifications**

- A. The standards of this Article may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
  1. Minor adjustment (**Section 405.220**)
  2. Variance (**Section 405.230**)
  3. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

**Section 425.030 Required Landscaping**

- A. Street Trees
  1. A minimum of one street tree is required for every 40 feet of public or private street frontage.
  2. Trees shall be planted along all streets, public or private, in the right-of-way or within five feet of the right-of-way, applied consistently throughout a single subdivision or development.
  3. Trees may be clustered, as opposed to being spaced evenly.
- B. Building Foundation Landscaping
  1. Building foundations on all facades visible from a public or private street shall be landscaped in accordance with the following:
    - a. Multi-Unit, Mixed-Use and Nonresidential Uses
      - (1) A minimum of one shrub is required for every 10 feet of exterior foundation wall visible from a public or private street.
    - b. Detached Houses, Duplexes, and Townhouses
      - (1) A minimum of one shrub is required for every five feet of exterior foundation wall visible from a public or private street.
  2. A mix of evergreen and deciduous shrubs shall be provided.
  3. Shrubs may be clustered.
  4. Shrubs shall be setback a minimum of three feet from the building foundation.
- C. **Parking Lot Perimeter Landscaping**
  1. Parking lots located within the required front building setback shall be landscaped along adjoining streets for an equal and uniform width of 10 feet except for permitted entrance drives.
  2. Landscaping in these areas shall contain a continuous planting of shrubs and one tree for every 60 linear feet of frontage.
  3. Trees along the perimeter may be grouped to allow flexibility in design and to open up lines of sight.

**Commented [PN79]:** The existing Code does not require landscaping of parking lots. The proposed requirement are intended to improve the aesthetics of parking lots located in the front building setback.

4. Masonry walls and/or berms at a minimum height of 30 inches are encouraged.
- D. Parking Lot Interior Landscaping
1. A minimum of one tree is required for every 10 required parking spaces.
  2. A minimum of 100 square feet of landscaped planting area is required for every 10 parking spaces.
  3. The required landscape planting area and trees shall be located in islands or peninsulas within the parking lot itself. Trees and landscaping located along the perimeter of the parking lot do not count towards this requirement.
  4. The landscaped planting area minimum dimension in any direction shall be six feet.
  5. Trees planted in landscape planting areas shall be situated a minimum of three feet from any curb.
  6. The configuration of the landscaped planting areas and the spacing of trees shall be arranged to maximize the amount of shaded areas within parking lots.
- E. Landscape Buffering Between Zoning Districts
1. Landscape buffers shall be located along the perimeter of sites to buffer more intense uses and to design effective transitions between land uses.
  2. **Table 425.030.E.1**, *Landscape Buffer Requirements*, establishes when landscape buffers are required and what type of landscape buffers are required. The types of buffers are labeled A, B and C, and are further described in **Table 425.030.E.2**, *Landscape Buffer Minimum Standards*.
  3. For the purposes of determining the required landscape buffer requirements, nonresidential uses located in residential zoning districts shall be subject to the same requirements as the PA Zoning District.

**Commented [PN80]:** The proposed parking space to tree ratio is less restrictive than current requirements (1 per 7 spaces), based on past reductions approved by the P&Z and Board of Aldermen.

**Table 425.030.E.1 Landscape Buffer Requirements**

Zoning Districts	RR	R1	R2	R3	R4	R5	R6	MU	CO	C1	C2	LI	PA
RR						A	A	B	B	B	B	C	B
R1						A	A	B	B	B	B	C	B
R2						A	A	B	B	B	B	C	B
R3						A	A	B	B	B	B	C	B
R4						A	A	B	B	B	B	C	B
R5	A	A	A	A	A			B	B	B	B	C	B
R6	A	A	A	A	A			B	B	B	B	C	B
MU	B	B	B	B	B	B	B					C	
CO	B	B	B	B	B	B	B					C	
C1	B	B	B	B	B	B	B					C	
C2	B	B	B	B	B	B	B					C	
LI	C	C	C	C	C	C	C	C	C	C	C		C
PA	B	B	B	B	B	B	B					C	

**Table 425.030.E.2 Landscape Buffer Minimum Standards**

	A	B	C
<b>Width (feet)</b>	25	25	25
<b>Canopy Trees (per 100 linear feet)</b>	2	2	2
<b>Evergreen Trees (per 100 linear feet)</b>	2	2	1
<b>Understory Trees (per 100 linear feet)</b>	3	3	3
<b>Shrubs (per 100 linear feet)</b>	20	20	25
<b>6-foot Site Proof Fence or Landscape Berm</b>	No	Yes (either)	Yes (either)

### Section 425.040 General Landscaping Standards

#### A. General

1. Except for areas with native vegetation cover and wooded areas, any part of a site not used for building coverage, parking areas, driveways, sidewalks, or other site improvements shall be landscaped.
2. Existing landscaping may be used to satisfy the landscaping requirements except that preservation of existing trees shall comply with **Section 425.070, Tree Protection**.

#### B. Plant Selection

1. Plants shall comply with recommendations and requirements of ANSI Z60/1-2004 "American Standard for Nursery Stock." All plants shall be healthy and vigorous stock suitable for the climate zone within the City, grown in a recognized nursery in accordance with good horticultural practice and free of disease, insects, eggs, larvae and defects such as knots, sunscald, injuries, abrasions, or disfigurement.
2. To reduce the risk of disease and/or insect infestation, no more than 25 percent of the street trees in any individual development or subdivision may be of one species.
3. Tree species shall be selected from the City's recommended tree list.

#### C. Minimum Planting Sizes

**Table 425.040.C Minimum Planting Sizes**

Plant Type	Minimum Planting Size
<b>Deciduous Tree, Large or Medium</b>	3 caliper inch
<b>Deciduous Tree, Ornamental</b>	3 caliper inch
<b>Evergreen Tree, Large or Medium</b>	8 feet tall
<b>Evergreen Tree, Small</b>	6 feet tall
<b>Shrubs</b>	Two feet tall and 18 inches wide

### Section 425.050 Installation

- A. All landscape materials shall be installed according to current accepted good planting practices and in compliance with all applicable ordinances and code requirements.
- B. Plant materials must be free from diseases and installed in a manner that ensures the availability of sufficient soil and water to sustain healthy growth.

- C. Irrigation systems for all areas of turf, trees, shrubs, annual gardens or perennial gardens are required in the mixed-use and nonresidential zoning districts and must be shown on the landscape plan. All irrigation systems must be maintained in proper working condition.
- D. No certificates of occupancy or similar authorization will be issued unless the required landscaping is completely installed in compliance with the approved landscape plan and this Article. A temporary certificate of occupancy may be issued for a building prior to completion of the required landscaping in accordance with the following:
  - 1. The applicant shall submit a financial guarantee to guarantee completion of the required landscaping.
  - 2. Required financial guarantees may be in the form of cash, letter of credit or surety bond.
  - 3. The amount of the financial guarantee shall be equal to the estimated cost for completion of the required landscaping, as determined by a qualified landscaper.
  - 4. A non-refundable fee established by the Community Development Director for the establishment of the cash performance bond and for final inspection shall be charged and will be payable at the time that the financial guarantee is posted.
  - 5. The financial guarantee shall be refunded upon completion of all required landscaping and the issuance of a certificate of occupancy.
- E. Replacement of dead or diseased plant material shall be of equivalent species or material, as specified in the approved landscape plan. Replacement shall occur at the time of removal or, if necessary, the next planting season. In any event, replacement shall occur within one year from the time of removal.

**Section 425.060 Maintenance**

- A. All landscaping material must be maintained in good condition as to present a healthy, neat and orderly appearance and must be kept free from refuse and debris.
- B. Street trees shall be maintained by the adjoining property owner. If there is not an adjoining private property, then the street trees shall be maintained by the City.
- C. All work on public and private trees will be consistent with American National Standard Institute A300, Standard Practices for Woody Plant Maintenance.
- D. Persons or firms engaged in the business or occupation of pruning, treating or removing any tree over 12 inches DBH in the private community forest and public community forest, including street trees, park trees or other public owned trees, must obtain a business license in accordance with **Chapter 605** of the Municipal Code, *Business licenses, Permits and Miscellaneous Business Regulations*. A minimum of one person within the firm shall be recognized by the International Society of Arboriculture as a certified arborist or tree worker.
- E. Public Nuisance on Private Property
  - 1. It shall be unlawful for the owner of any lot or parcel of ground in the City to maintain or allow to stand upon such lot or parcel of ground any tree or tree limb which, due to a diseased, decayed or hazardous condition or for any other

reason, endangers or is likely to injure any person in and upon City-owned property. Such a condition shall be considered a public nuisance on private property.

2. It shall be the duty of the owner of any lot or parcel of ground in the City to properly cause such trees or tree limbs as are described in **subsection E.1** to be cut down, and no tree or tree limb in the City which has been cut down or which has fallen or been broken down shall be permitted to remain in or upon any City owned property.
3. Should any person owning real property fail to prune, remove or treat trees as herein above provided, the Community Development Director shall order such person to so prune, remove or treat such trees. The order shall be personally served on or mailed via first-class mail to both the occupant of the property at the property and the owner at the last known address of the owner, if not the same.
4. The property owner has the right to appeal the notice to prune, remove or treat by appealing to the Board of Adjustment in writing. The property owner may present any evidence or exhibits to support his/her position that the tree does not need to be pruned or removed or that the cost of the "order" is excessive. If the Board of Adjustment should uphold the order, the property owner has an additional 10 days from the Board's decision to complete the required pruning, removal or treatment.
5. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune, remove or treat such trees, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.

#### **Section 425.070 Tree Protection**

##### **A. Applicability**

1. Existing trees on a lot or development site shall not be removed or disturbed unless approved by the City in accordance with this Section.
2. The following tree removal activities are subject to this Section:
  - a. Minor Tree Removal
    - (1) Removal of landmark trees.
    - (2) Removal of trees greater than 4 inches DBH and located within 100 feet of Lake Saint Louis or Lake Saint Louise.
  - b. Major Tree Removal
    - (1) Removal of 10,000 square feet or more of tree canopy coverage within a five-year period on a single property three acres or larger in size.
3. Exceptions
  - a. The following activities are permitted without prior approval from the City:
    - (1) The removal of diseased or dead trees and trees which have been declared a public nuisance.
    - (2) Raising the canopy of any individual tree up to one-third the height of the tree.

(3) Vista tree pruning per ANSI standards.

B. Minor Tree Removal

1. A Tree Protection Plan (TPP) and Tree Stand Delineation (TSD) are not required.
2. If the tree removal request is associated with a development proposal, it shall be submitted, reviewed and acted on concurrently with the applicable development application.
3. If the tree removal request is not associated with a development application, it shall be approved by the Director of Parks and Recreation or Community Development Director if one of the following is met:
  - a. Property owner's property or personal safety is compromised by the tree.
  - b. The tree is under stress and the City Arborist determines that it will soon die.
  - c. The property owner wants to make property improvements that are allowed in the zoning district and which require the removal of the tree.
4. Requests for minor tree removal that are denied may be appealed in accordance with **Section 405.240, Appeal of Administrative Enforcement.**

C. Major Tree Removal

1. Procedure
  - a. A Tree Protection Plan (TPP) and Tree Stand Delineation (TSD) are required.
  - b. The Tree Protection Plan (TPP) shall include the following:
    - (1) Limits of disturbance line beyond which no grading will occur.
    - (2) Table stating the existing and proposed tree canopy coverage.
    - (3) Existing and proposed contours along with the location of all improvements (structures, drives, lots, utility lines, etc).
    - (4) Tree preservation area and a description of all features available to identify it on the site (fencing, etc.).
    - (5) Trees 12 inches in diameter and greater that are located within the tree preservation area and that are within 50 feet of the limit of disturbance line shall be shown on the map and details about measures taken to protect them (if any) shall be described.
    - (6) Individual trees that are to be protected shall be shown on the map and tree protection measures for each shall be described.
    - (7) The tree preservation area shall be shown on the record plat.
  - c. If the tree removal request is associated with a development proposal, it shall be submitted, reviewed and acted on concurrently with the applicable development application.
  - d. If the tree removal request is not associated with a development proposal, it shall require approval of a major site plan.
2. Tree Removal Limits
  - a. No more than 70 percent of the total tree canopy coverage on any development site may be removed or destroyed, except as follows:
    - (1) Up to 100 percent of the total tree canopy coverage on any development site may be removed or destroyed when the owner can provide evidence

**Commented [PN81]:** In most cases, major tree removal will be associated with the development project (preliminary plat, or site plan), but in cases where it isn't, a site plan is required.

of extreme topography, uniqueness, unusual lot shape or similar circumstances which results in an inability to provide tree preservation.

- (2) In such cases, new trees shall be planted in addition to other trees required by this Article, so that the remaining and proposed tree canopy coverage on the development site equals at least 30 percent. For the purposes of these calculations, the tree canopy coverage potential as specified in **Table 425.070.C.2** shall be used for proposed trees:

**Table 425.070.C.2 Tree Canopy Coverage Potential**

Tree Group	Tree canopy coverage potential
<b>Deciduous-Large</b>	750 square feet
<b>Deciduous-Medium</b>	500 square feet
<b>Deciduous-Columnar/Small/Ornamental</b>	250 square feet
<b>Evergreen-Large</b>	500 square feet
<b>Evergreen-Medium</b>	250 square feet

- (3) A mitigation planting plan shall be submitted that shows the location, size, species, etc. of trees that are to be planted on-site.
- (4) If spatial limitations prohibit the ability to replant all required trees on the site, the City may accept a plan to plant the additional trees on a City-owned site or the City may accept a payment into an established tree bank for use by the City to plant or maintain public trees in the future. The payment will equal the reasonable cost to plant the required trees.
- b. Trees within 100 feet of natural watercourses or water bodies shall be protected. An exception will be granted if the only access to the site is through the natural watercourses or water body. These trees will take precedence over all other trees on the tract for protection.
3. Tree Protection Measures
- a. Prior to the commencement of any tree removal or grading on any property protected under this Article, the Certified Tree Arborist having prepared the Tree Stand Delineation Study (TSD) and the Tree Preservation Plan (TPP) for the subject property shall:
- (1) Mark on the property, with construction fencing or other appropriate barricade, the limits of disturbance beyond which no grading will occur as such limits are identified on the approved TPP; and
- (2) Implement on the ground any and all other measures called for on the approved TPP.
- b. As necessary and as determined by the City of Lake Saint Louis, the Certified Tree Arborist, having prepared the Tree Stand Delineation Study (TSD) and the Tree Preservation Plan (TPP) for the property in question, will be responsible for the maintenance of required protection measures throughout the construction of the project until a certificate of occupancy or other final permit is issued.

**Commented [PN82]:** The existing Code requires the planting of new trees equal to the combined diameter of the trees to be removed. This is difficult to calculate since the diameter of trees is only calculated for trees greater than 12 inches. An equally effective requirement (and one that is easier to calculate) is to require new trees based on tree canopy coverage potential (the approximate canopy coverage when the trees are full grown).

#### 4. Tree Replacement

##### a. Financial Guarantee

- (1) The developer shall post a financial guarantee for the benefit of the City to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage within a two year period after the issuance of final occupancy permits.
- (2) The required financial guarantee may be in the form of cash, letter of credit or surety bond.
- (3) The amount of the required financial guarantee shall be in the amount of \$2,000 for each acre of the tree preservation area or \$10,000, whichever is more.

##### b. Prior to Occupancy

- (1) Prior to issuing any occupancy permits, should any preserved tree die or become damaged as a result of grading or construction, the developer will pay a non-refundable assessment equal to the value of the trees that die, are damaged or are removed.
- (2) The value of the trees will be determined using the International Society of Arboriculture's methodology of tree appraisal.
- (3) The City will withhold any occupancy permits until the assessment is paid.

##### c. Post Occupancy

- (1) Within a two-year period after the occupancy permit is issued, the developer shall replace protected trees that die or are damaged beyond repair, as a result of grading or construction damage, as determined by a certified arborist.
- (2) The number of replacement trees is determined by matching the combined caliper of trees to be planted with the diameter (DBH) of trees that were lost.
- (3) Failure to plant the required replacement trees shall constitute default and the City shall be entitled to proceed against the financial guarantee.
- (4) If spatial limitations prohibit the ability to replant all required trees on the site, the City may accept a plan to plant the additional trees on a City-owned site or the City may accept a payment into an established tree bank for use by the City to plant or maintain public trees in the future. The payment will equal the reasonable cost to plant the required trees.

#### **Section 425.080 Visibility at Intersections**

- A. It shall be unlawful for any person who owns, manages or occupies any premises within the City to allow trees, shrubs, plants or other vegetation to be planted or allowed to grow in such a manner as to materially obstruct motorist line of sight accessing street right-of-way from private driveways, private streets or alleys, and public streets.
- B. The sight distance criteria as adopted in or by the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*, shall be used for determining the required line of sight.

- C. Owners shall trim all vegetation that obstructs the view or passage on any street, sidewalk or bike path in accordance with the following:
  - 1. Street tree limbs shall be pruned to 14 feet or more in height above the road elevation.
  - 2. Dead limbs shall be removed to prevent becoming a hazard to the motoring and pedestrian public.
  - 3. All vegetation shall be trimmed so it shall not obstruct any street or traffic sign.

**Section 425.090 Penalty**

- A. It shall be unlawful for any person to damage, cut, kill or remove any tree in violation of this Article or maintain or allow to stand upon a lot or parcel any tree or tree limb which, due to a diseased, decayed or hazardous condition or for any other reason, endangers or is likely to injure any person in and upon City-owned property, or cause damage to City owned property, including but not limited to public streets, public sidewalks and City parks. Any violator shall, upon conviction, be punished by a fine up to \$500.00 or the maximum allowable under state law.
- B. It shall be unlawful for any person to interfere with a City employee engaged in or about the planting, cultivating, mulching, pruning, spraying or removing any trees in the public community forest. Such violations are punishable by a fine of not more than \$500.
- C. Fines for removing a residential landmark tree without prior approval shall be decided by the Municipal Judge and not exceed \$500.00 per offense. At the discretion of the Municipal Judge, the imposed fine may be to replace the landmark tree with another tree of the same species as the landmark tree and said fine shall purchase the replacement tree and be planted by the violator. If the City determines it is not feasible to plant a replacement tree on the site of the violation, the Municipal Judge may order the replacement tree to be planted on City property. In this event, City park employees will plant the tree.
- D. Fines for engaging in the business or occupation of pruning, treating or removing any public or private tree within the City without a business license shall be \$500 per offense and shall double for the second separate offense.
- E. Tree topping by any persons or firms engaged in the business or occupation of pruning, treating or removing any public or private tree is unlawful and punishable by a fine of \$500 per offense.

**Section 425.100 Screening**

- A. The following shall be screened from public and private streets, adjacent properties, Lake Saint Louis and Lake Saint Louise, with dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or architectural features of the building, or a combination of these.
  - 1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas, whether ground, wall or roof mounted;
  - 2. Pool equipment;

3. Permanent or temporary outdoor storage areas;
4. Solid waste containers in accordance with **Chapter 235** of the Municipal Code, *Solid Waste*;
5. Utility stations.

**Section 425.110 Fences**

A. Applicability

1. This Section shall apply to all fences with the following exceptions:
  - a. Decorative fences less than 18 inches in height.
  - b. Guardrails required by the Building Code.

B. All Fences

1. Fences are permitted as specified in **Table 425.110.B**, *Summary of Fence Standards*.

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**Table 425.110.B Summary of Fence Standards**

Permitted Sites	Fence Location	Enclosed Area, Maximum	Height, Maximum	Setback, Minimum	Openness, Minimum	Permitted Materials
<b>Agricultural uses in the RR Zoning District</b>	Front, rear and side yards	No Maximum	6 feet	50 feet (front)	66 percent	Wood, metal, masonry, vinyl, PVC, or similar. Electric, barbed or ribbon wire or similar.
<b>Mixed-Use and Nonresidential uses</b>	Rear and side yards	No Maximum	8 feet	No Minimum	No Minimum	Wood, metal, masonry, vinyl, PVC, or similar. Chain-link pre-finished in black, brown or green.
<b>Residential uses</b>	Rear and side yards enclosing a pool	4 times the pool surface area	6 feet (4 feet minimum)	4 feet (rear and side)	66 percent; 4 inches minimum between pickets	Wood, metal, masonry, vinyl, PVC, or similar.
<b>Residential uses</b>	Rear and side yards	200 square feet	6 feet	4 feet (rear and side)	66 percent	Wood, metal, masonry, vinyl, PVC, or similar.
<b>Residential uses</b>	Decks and patios	Not permitted	6 feet	4 feet (rear and side)	No Minimum	Wood, metal, masonry, vinyl, PVC, or similar.
<b>Residential uses</b>	Rear and side property lines abutting the City's corporate limits.	Not permitted	6 feet	No Minimum	No Minimum	Wood, metal, masonry, vinyl, PVC, or similar. The height, design and material shall be consistent throughout the same subdivision.
<b>Residential uses in the following subdivisions:</b> <ul style="list-style-type: none"> <li>• Brookfield Crossing</li> <li>• Cedar Springs Estates</li> <li>• Mason Glen</li> <li>• Saratoga</li> <li>• Waterside Crossing</li> <li>• Wyndemere Estates</li> <li>• Wyndstone</li> </ul>	Rear and side yards	No Maximum	Varies, see Section 425.110.C	Varies, see Section 425.110.C	Varies, see Section 425.110.C	Varies, see Section 425.110.C

2. Location
  - a. Fences may encroach into required setbacks as specified in **Table 425.110.B, Summary of Fence Standards.**
  - b. Fences shall be subject to the visibility clearance requirements of **Section 425.080, Visibility at Intersections.**
  - c. Fences that are placed in utility easements are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Replacement of the fence shall be at the property owner's expense.
  - d. Fences shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or stormwater drainage in any zoning district.
3. Height
  - a. Fence height shall not exceed the maximum height specified in **Table 425.110.B, Summary of Fence Standards.**
  - b. Fence and wall height shall be measured from finished grade to the top of the fence. Supporting posts, including decorative features, may exceed the fence height a maximum of six inches.
  - c. Public buildings or uses, public parks, sports courts, and sports fields are exempt from the height requirements.
4. Design and Materials
  - a. All fences shall be constructed of materials pursuant to **Table 425.110.B, Summary of Fence Standards.**
  - b. Fences shall be designed to be consistent in style and color with the principal structure.
  - c. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material suited for the purpose for which the fence is intended.
- C. **Uniform Subdivision-Specific Fence Standards**
  1. Fences on individual lots in the following subdivisions are subject to subdivision-specific requirements regulating the location, height, design and materials of fences:
    - a. Brookfield Crossing
    - b. Cedar Springs Estates
    - c. Mason Glen
    - d. Saratoga
    - e. Waterside Crossing
    - f. Wyndemere Estates
    - g. Wyndstone
  2. These subdivision-specific requirements are approved during the preliminary plat procedure (**Section 405.120**) and documented in the recorded subdivision trust indentures, approved preannexation agreements, or other similar instruments of record.

**Commented [PN83]:** The existing Code does not address fence requirements for specific subdivisions where fences are permitted per preannexation agreements. This often leads to confusion.

3. It is the responsibility of each Property Owner's Association to verify that any proposed fence conforms to the subdivision-specific requirements and that the fences throughout the subdivision are consistent in terms of location, height, design and materials.
  4. Subdivision-specific fence standards may only be approved for new subdivisions through the preliminary plat procedure (Section 405.120).
  5. The applicable fence types listed in Table 425.110.B, Summary of Fence Standards, are permitted in these subdivisions to the extent that fences conform to any additional subdivision-specific requirements.
  6. In addition to the permitted fence types specified in Table 425.110.B, Summary of Fence Standards, fences enclosing rear and side yards may be permitted.
- D. Perimeter Fences
1. A decorative fence constructed to a maximum height of six feet may be erected along an arterial, collector or local road as an integrated feature of an overall residential subdivision or development design. Said fence may enclose the entire perimeter of the subdivision.

**Commented [PN84]:** Each subdivision has detailed fence standards which makes administration of the requirements difficult for staff. Staff recommends the responsibility be on the property owners association to verify that any proposed fence complies with the subdivision specific standards. Staff will review for general compliance.

**Commented [PN85]:** Existing subdivision-specific fence standards have only been approved through pre-annexation agreements. This change makes the option available to properties currently in the City, if approved through the preliminary plat procedure.

**Commented [PN86]:** Perimeter fences have been permitted in practice (Prospect Village along Prospect Road for example) but never codified.

## Article III Parking, Access, and Mobility

### Section 425.120 Purpose

- A. The regulations of this Article are intended to achieve, among other things, the following purposes:
1. To require adequate off-street parking, loading, and stacking spaces to avoid traffic congestion;
  2. To avoid inefficient use of land by provision of unnecessary parking facilities;
  3. To ensure safe pedestrian access to and between developments;
  4. To protect adjoining residential neighborhoods from the impacts of large nonresidential vehicular use areas; and
  5. To promote general convenience, welfare and prosperity of developments which depend upon off-street parking, loading, and circulation.

### Section 425.130 Applicability

- A. This Article shall apply to the following:
1. The construction of new principal buildings.
  2. Activities which require approval of a site plan (Section 405.160).
  3. The change or enlargement of a building or use constructed or established prior to the effective date of this Code by more than 15 percent in terms of gross floor area, number of dwelling units, or seating capacity.
- B. This Article shall not apply to
1. The change or enlargement of a building or use constructed or established prior to the effective date of this Code by less than 15 percent in terms of gross floor area, number of dwelling units, or seating capacity. In cases where expansions or enlargements occur over a period of time, the site shall come into full

**Commented [PN87]:** The existing code does not have any exceptions for small projects. This has resulted in minor changes in use or additions that require additional parking spaces which can't be accommodated on site.

compliance with the requirements of this Article once the increase exceeds 50 percent.

C. Modification to Existing Vehicular Use Areas

1. Any vehicular use area provided before the effective date of this Code shall not be permanently modified, removed or reduced in a way that would bring the property out of conformance with this Article or would increase the degree of any existing nonconformity.
2. The modification of any existing vehicular use areas, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area shall be reviewed in accordance with **Section 405.080.D**, *Amendments to Approved Applications*.

**Section 425.140 Waivers and Modifications**

- A. The standards of this Article may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
1. Minor adjustment (**Section 405.220**)
  2. Variance (**Section 405.230**)
  3. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

**Section 425.150 Required Off-Street Parking**

A. Minimum Parking Requirements

1. Detached House, Duplex, and Townhouse Uses
  - a. Two parking spaces per dwelling unit.
2. Multi-Unit, Mixed-Use and Nonresidential Uses
  - a. General
    - (1) Applicants shall submit a parking plan demonstrating that the proposed number of off-street parking spaces is sufficient to serve the proposed use or activity.
    - (2) When a change or enlargement of a building or use constructed or established prior to the effective date of this Code is more than 15 percent and less than 50 percent in terms of gross floor area, number of dwelling units, or seating capacity, additional parking spaces are required based only on the parking needs of the enlarged area or change.
    - (3) Nonresidential and mixed-uses uses shall not provide more than 125 percent of the minimum parking spaces required as specified by the parking plan. For example, if 20 parking spaces are required, the maximum number of parking spaces allowed is 25 ( $20 \times 1.25 = 25$ ). The following land uses exempt from this requirement:
      - (a) "Automotive sales or leasing" and "motor vehicle sales or leasing" uses.
      - (b) A change in use where fewer parking spaces are required.

**Commented [PN88]:** The existing Code has detailed minimum parking requirements for different types of land uses. The proposed code does not. Instead, applicants will have to justify that the proposed number of off-street parking spaces is sufficient to serve the proposed use or activity.

(4) The minimum number of required parking spaces specified in the parking plan may be reduced in accordance with **Section 425.160, *Alternative Parking Solutions***.

b. Parking Plan Contents

(1) The applicant shall provide a written analysis of parking requirements which may include but is not limited to the following information:

- (a) Availability of on-street parking near the use and the distances to those spaces;
- (b) Building square footage for each specific use to be served by off-street parking;
- (c) Hours of operation;
- (d) Estimated number of patrons/customers at peak hours of operation;
- (e) Maximum number of employees present on one shift;
- (f) Building occupancy loads;
- (g) Estimates of parking demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data; and,
- (h) Any additional information as requested by the Community Development Director.

c. Review and Approval

(1) The parking plan shall be approved by the applicable decision-making body or official, based on the specific application type in **Chapter 405, *Administration and Procedures***.

(2) The parking plan shall be approved if it is determined that the proposed number of off-street parking spaces, in consideration of any proposed parking alternatives in accordance with **Section 425.160, *Alternative Parking Solutions***, is sufficient to serve the proposed use or activity.

B. Accessible Parking

1. The number and design of accessible parking spaces shall be pursuant to the International Building Code as adopted in the Municipal Code, Section 301.143 RSMo, as amended, and the American Disabilities Act, as amended.

**Section 425.160 Alternative Parking Solutions**

A. Generally

1. A reduction to the number of parking spaces required by **Section 425.150, *Required Off-Street Parking***, may be granted by complying with any one or combination of the parking alternatives listed in this Section provided that it is determined by the applicable decision-making body or official that the analysis provides adequate documentation of reduced parking demand and demonstrates that the reduction will not create significant adverse impacts on surrounding properties.

**Commented [PN89]:** The existing Code only allows the number of required parking spaces to be reduced through site plan review or rezoning to a planned development. This Section provides other options to reduce the parking requirements.

## B. Parking Alternatives

### 1. Parking Studies

- a. The minimum parking requirements may be modified upon submittal of a parking demand study demonstrating that anticipated off-street parking demand for the proposed development, use, or combination of uses will be less or more than that specified in the parking plan.
- b. Parking demand studies shall estimate the parking and loading demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area and location.

### 2. Shared Parking

- a. The number of required parking spaces may be reduced for parking facilities that are shared by more than one use if the applicant demonstrates that the peak parking demands for such uses occur at different times either daily or seasonally.
  - (1) The applicant shall prepare and submit a parking study in accordance with **subsection B.1.**
  - (2) Shared parking areas shall require a parking agreement to be recorded prior to issuance of a building permit for new development or a certificate of occupancy for existing buildings. If such agreement is revoked by any party, then the required off-street parking spaces shall be provided pursuant to this Code.

### 3. On-Street Parking

- a. For mixed-use and nonresidential uses, any on-street parking located directly in front of the subject property may be counted towards on-site parking requirements.

### 4. Bicycle Parking

- a. The number of required parking spaces may be reduced for uses providing bicycle parking located in accordance with the following:
  - (1) Outside the building served in a highly visible, active, well-illuminated area.
  - (2) Within 50 feet of a main building entrance.
  - (3) On private property unless otherwise approved by the Department of Public Works.
- b. Such reduction may be approved at a ratio of up to one off-street vehicle space reduction per two bicycle spaces provided. The total number of required vehicle off-street parking spaces shall not be reduced by more than five percent for any project.

**Section 425.170 Loading Requirements**

- A. Number
  - 1. This Article does not require a minimum number of off-street loading spaces; however, uses requiring shipping and receiving of materials or goods shall provide off-street loading spaces built to the standards identified in this Section.
- B. Size
  - 1. Loading spaces shall conform to the following minimum dimensions:
    - a. Clearance height: 14 feet
    - b. Minimum width: 12 feet
    - c. Minimum length: 35 feet
- C. Location
  - 1. Loading areas shall not be located in the front yard.
  - 2. Off-street loading spaces shall not obstruct or occupy any parking space, circulation or vehicle stacking space for drive through lanes.
  - 3. Each required loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of access to a street or public service drive.
- D. Design
  - 1. All loading areas shall be striped and/or signed so as to clearly prohibit vehicle parking other than for the purposes of loading or unloading.

**Commented [PN90]:** The existing loading requirements are based on land use and square footage. Uses requiring shipping and receiving of materials or goods shall provide off-street loading spaces built to the standards identified in this Section, but a minimum number of spaces is not specified.

**Section 425.180 Stacking Space Requirements**

- A. Drive-through facilities and other establishments which, by their nature, create lines of customers waiting in automobiles, shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces.
- B. The number of required stacking spaces shall be provided in accordance with **Table 425.180.A, Stacking Space Requirements**.

**Commented [PN91]:** The existing Code only has stacking space requirements for banks.

**Table 425.180.A Stacking Space Requirements**

Drive-Through Activity	Minimum Required Stacking Spaces (per lane)	Measured from Flow Line To
Bank or Financial Institution, or Automated Teller Machine	5	Teller window
Restaurant	5	Pick-up window
Automobile Wash	5	Outside of washing bay
Automotive Repair	3	Outside of bay
Other	Determined by the Community Development Director based on anticipated demand	

- C. Vehicle stacking spaces shall be a minimum of 8 feet in width and 19 feet in length.
- D. If two or more drive-through lanes converge into one lane, the stacking spaces located after the convergence point will count towards the required stacking spaces for both drive-through lanes.
- E. Required vehicle stacking spaces shall not interfere with access to parking spaces.
- F. Drive-through lanes shall be designed with an abutting bypass lane to allow motorists an opportunity to exit the drive-through lane.

**Section 425.190 Parking and Loading Area Use and Design**

A. Use of Parking and Loading Areas

- 1. Except for residential uses, no off-street parking or loading space shall be used for any purpose other than the parking of vehicles.
  - a. It shall be unlawful to utilize any required off-street parking or loading facilities for motor vehicle repair work or service of any kind, except as expressly permitted herein.
  - b. Vehicles for sale shall be parked only at facilities approved for vehicle sales.
  - c. Vehicles for sale may be parked in other commercial areas for a maximum of 10 hours and only when the vehicle is used for transportation purposes to that commercial destination.
- 2. Off-street parking spaces provided in excess of the number required may be used for any legal purpose within the respective zoning district.
- 3. If a required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this Code.

B. Location of Parking and Loading Areas

- 1. Proximity to Structure and/or Use
  - a. Required parking spaces and loading spaces shall be located on the same lot with the principal building or the primary use.
  - b. Required parking spaces may be located on a separate lot subject to the following:
    - (1) Mixed-use and nonresidential uses only.
    - (2) Americans with Disabilities Act (ADA) accessible parking shall not be located off-site.
    - (3) Off-site parking shall not be located more than 500 feet walking distance measured from the main entrance of the use to the pedestrian entrance/exit of the parking area.
    - (4) Off-site parking may be shared with another use provided that the shared parking meets the standards in **Section 425.160.B.2, Shared Parking.**
    - (5) Off-site parking areas shall require a parking agreement to be recorded prior to issuance of a building permit for new development or a certificate of occupancy for existing buildings. If such agreement is revoked by any party, then the required off-street parking spaces shall be provided pursuant to this Code.

2. Location on a Site

Commented [PN92]: Currently 300 feet.

- a. Required parking spaces for detached houses, duplexes, and townhouses shall be located within a detached or attached garage.
  - b. Parking areas and drive aisles shall be set back a minimum of 10 feet from all property lines.
  - c. Parking areas and drive aisles located within the required front building setback shall be set back a minimum of 10 feet from the front property line, curb, or sidewalk, whichever is greater, and shall be landscaped in accordance with **Chapter 425, Article II, Landscape, Screening, and Fencing**.
  - d. In the MU District, parking is discouraged between the principal building and the street.
3. Parking Area Layout
- a. Parking Stall and Aisle Design
    - (1) Parking stalls and aisles shall be designed according to **Table 425.190.B.3, Parking Stall Design**.
    - (2) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of access to a street or public service drive.
    - (3) Off-street parking lots designed for parking vehicles longer than 19 feet, bumper to bumper, shall have parking stall and maneuvering space areas of such sizes and dimensions as will accommodate the parking and maneuvering of such vehicles.
    - (4) Vertical clearance of not less than seven feet is required for all parking areas.

**Commented [PN93]:** The existing Code does not have any setback requirements. The proposed setbacks are the same as what is required in The Shoppes at Hawk Ridge.

**Table 425.190.B.3 Parking Stall Design**

Angle of Parking (degrees)	Depth of Stall Perpendicular (feet)	Width of Stall Parallel to Aisle (feet)	Minimum Aisle Width (feet)	Curb length per stall (feet)
Parallel	9.0	24.0	12.0 one way	24.0
30	17.3	18.0	23.0 one way	18.0
45	19.8	12.7	12.5 one way	12.7
60	21.0	10.5	17.5 one way	10.5
90	19.0	9.0	23.0	9.0

- C. Parking and Loading Area Surfacing
- 1. All required off-street parking lots shall comply with the following:

- a. Be constructed in accordance with design specifications located in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
- b. Have a thoroughly compacted subgrade, be properly drained and surfaced with either:
  - (1) Portland cement concrete having a minimum thickness of six inches and a minimum compressive strength of 3,000 pounds per square inch when 28 days old.
  - (2) Asphaltic concrete construction consisting of a minimum six-inch waterbound macadam or penetration macadam base covered with two inches of asphaltic hot-mix.
  - (3) A five and one-half inch base of rolled stone, two inches of Type X asphaltic concrete mix and one and one-half inches of Type C asphaltic concrete mix. An alternate pavement design may be approved if the Public Works Director finds the alternative design to be equivalent in strength and useful life.
  - (4) Be provided with a six-inch high concrete curb around the perimeter of the lot so as to protect all adjacent properties from trespass and to control and direct surface drainage.
- c. Parking stalls shall be marked by two and one-half inches wide painted lines and suitable directional arrows and markings shall be painted on the lot surface.

D. Other Standards

- 1. Refer to **Chapter 365** of the Municipal Code, *Stopping, Standing or Parking Restricted or Prohibited on Certain Streets*, for additional requirements.
- 2. Landscaping shall be provided in accordance with **Chapter 425, Article II, Landscape, Screening, and Fencing**.
- 3. Lighting shall be provided in accordance with **Chapter 425, Article VI, Exterior Lighting**.

**Section 425.200 Parking Structures**

- A. The visual impacts of a parking structure shall be minimized through compliance with the following standards:
  - 1. Parking structures shall be located in the rear of lots when feasible, reserving the street frontage for commercial uses.
  - 2. Parking structures shall blend in with the architectural characteristics and materials of buildings in the surrounding area.
  - 3. Automobile entrances shall be located on secondary streets or alleys, to the maximum extent feasible.
  - 4. Pedestrian entrances shall be designed to be welcoming and easily identifiable.
  - 5. Where visible from a public right of way, structured parking shall be screened or wrapped on upper floors with architectural details and materials to screen vehicles.

Commented [PN94]: New requirements.

## Section 425.210 Driveways and Access

### A. General

1. The location, width, and number of entrance and exit access drives to parking areas shall be in accordance with the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)* and the St. Louis County Access Management Guidelines.
2. The decision-making body or official, as applicable based on the specific application type in **Chapter 405, Administration and Procedures**, may grant an exception to the requirements of this Section.

### B. Cross-Access Requirements

1. Development that includes nonresidential uses shall allow for shared, private vehicular access among all buildings and/or lots within the development and with adjacent lots to the maximum extent feasible in order to facilitate movement of customers and their vehicles without generating additional turning movements on public streets.
2. Where cross-access is provided across multiple lots, a cross-access easement shall be recorded with the St. Charles County Recorder of Deeds prior to issuance of a certificate of occupancy.
3. The Public Works Director may waive the requirement for cross-access, in whole or in part, administratively, where cross-access is deemed impractical due to vehicular safety issues or environmental constraints such as severe topography.

**Commented [PN95]:** Cross access easements have been required in practice but never codified.

## Section 425.220 Pedestrian and Bicycle Circulation

### A. Required Pedestrian and Bicycle Facilities

#### 1. Sidewalks

- a. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, and within and along the frontage of all new development and redevelopment, with the following exceptions:
  - (1) Sidewalks are not required on local streets in the RR, R1, and LI Zoning Districts.
  - (2) In steep-slope areas, sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.
  - (3) In lieu of a sidewalk, the decision-making body or official, as applicable based on the specific application type in **Chapter 405, Administration and Procedures**, may require a multi-use trail or bikeway be installed along rights-of-way as indicated in Comprehensive Plan or the City's Bicycle Plan.
- b. Multi-unit, nonresidential, and mixed-use developments shall provide sidewalks in the following additional locations, as applicable:
  - (1) Main Entry to Public Sidewalk

**Commented [PN96]:** These requirements are consistent with our current policies.

**Commented [PN97]:** These requirements are new and are intended to increase pedestrian infrastructure in multi-unit, nonresidential, and mixed-use developments.

- (a) Provide a safe, convenient, and accessible pedestrian connection from the main entrance of a building to a public sidewalk or internal walkway that connects to a public sidewalk.
- (2) To Adjoining Streets
  - (a) Provide pedestrian connections between internal and perimeter sidewalks at a maximum of 1,000 feet along the perimeter street (pedestrians walking along the perimeter sidewalks shall be able to locate a sidewalk connection into the internal sidewalk system without walking more than 1,000 feet along the perimeter of the site).
- (3) Between Multiple Buildings on a Site
  - (a) All developments containing more than one building shall provide sidewalks between the principal entrances of buildings.
- (4) To Adjacent Development
  - (a) Sidewalks serving a site shall align and connect with any sidewalks on adjacent properties that extend to the boundary of such properties. Multiple pedestrian connections between adjacent developments shall be provided to the maximum extent practical.
- (5) At each point where a sidewalk must cross a parking lot, internal street or driveway to make a required connection, it shall be clearly marked by using a change in paving materials or a change in paving color.
- 2. Multi-use trails or bikeways
  - a. Multi-use trails or bikeways shall be installed as recommended by the City's Comprehensive Plan.
- B. Standards for all Pedestrian and Bicycle Facilities
  - 1. Pedestrian and bicycle facilities shall be provided by the developer to allow convenient access through or across the development and connectivity with pedestrian and bicycle facilities, parks, schools, and adjacent neighborhoods.
  - 2. Pedestrian and bicycle facilities shall be constructed in accordance with the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
  - 3. Pedestrian and bicycle facilities or other locations as required by the Public Works Director, shall include ramps that are compliant with the American with Disabilities Act (ADA).

## Article IV Residential Site and Building Design

### Section 425.230 Purpose

- A. This Article is intended to:
  - 1. Promote high-quality residential development and construction;
  - 2. Protect the character of established residential neighborhoods;
  - 3. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;
  - 4. Encourage a variety of housing choices;

5. Provide variety and visual interest in the exterior design of residential buildings;
6. Protect and enhance property values; and
7. Enhance residential streetscapes.

**Section 425.240 Applicability**

- A. This Article shall apply to the following:
  1. The construction of new detached houses, duplexes, townhouses, and multi-unit buildings.
  2. An addition to an existing detached house, duplex, or townhouse where the total gross floor area of the proposed addition is 50 percent or more than that of the total gross floor area of the existing structure before the addition or renovation.
  3. An addition to a multi-unit building which requires approval of a site plan (**Section 405.160**).
- B. This Article shall not apply to the following:
  1. Development of any structure that will contain a mix of nonresidential and residential uses, which are subject instead to **Chapter 430, Article V, Mixed-Use and Nonresidential Site and Building Design**.

**Commented [PN98]:** The existing Code requires that model plans be approved by the P&Z or the ARB. This is no longer required. Master plans will be removed and approved administratively in accordance with the standards in this Article.

**Section 425.250 Waivers and Modifications**

- A. The standards of this Article may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
  1. Minor adjustment (**Section 405.220**)
  2. Variance (**Section 405.230**)
  3. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

**Section 425.260 Site Design**

- A. Site Drainage
  1. Drainage must be established away from the proposed foundation.
  2. The finished grade must fall a minimum of one-half inch per foot for a distance of ten feet from the structure.
  3. No stormwater shall drain directly or indirectly into the sanitary sewers. Stormwater shall be directed to the street or established drainage ways.
- B. Building Orientation
  1. Detached Houses and Duplexes
    - a. The orientation of the primary entrance and façade shall be consistent with the established pattern along the block face.
    - b. No structure shall be sited diagonally or otherwise skewed on the lot.
  2. Townhouse and Multi-Unit Buildings
    - a. All units with frontage along the primary street shall have an entrance that faces the street. Buildings located with multiple street frontages, as would be typical on a corner lot or with larger developments on corner lots, shall provide entrances to units on at least one street frontage.

- b. To the maximum extent feasible, the primary entrance and façade of individual buildings within a development shall be oriented towards:
  - (1) Primary, internal or perimeter streets; or
  - (2) Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.
- C. Walk-Out Lower Levels
  - 1. Houses with walk-out lower levels are permitted when the existing topography of the site descends from the proposed or existing roadway a vertical distance of six feet from front to rear across the depth of the proposed building.
- D. Dimensional Standards
  - 1. Refer to **Section 415.030, Residential Dimensional Standards.**
- E. Landscape, Screening, and Fencing
  - 1. Refer to **Chapter 425, Article II, Landscape, Screening, and Fencing.**
- F. Parking, Access, and Mobility
  - 1. Refer to **Chapter 425, Article III, Parking, Access, and Mobility.**
- G. Exterior Lighting
  - 1. Refer to **Chapter 425, Article VI, Exterior Lighting.**

**Section 425.270 Gross Floor Area**

- A. Detached houses shall conform to the minimum gross floor space requirements listed in **Table 425.270.A, Gross Floor Area for Detached Houses.**

**Table 425.270.A Gross Floor Area for Detached Houses**

House Type	Lake Lots & Golf Course Lots	R1	R2	R3
One story above grade	2,000 square feet	2,000 square feet	1,500 square feet	1,500 square feet
Two-story above grade	2,000 square feet	2,200 square feet	2,000 square feet	1,800 square feet

- B. The minimum gross floor area for duplex and townhouse dwelling units is 1,000 square feet.
- C. The minimum gross floor area for dwelling units in multi-unit buildings is 600 square feet.

**Section 425.280 Building Height Transitions**

- A. A new building with a height that exceeds that of an adjacent residential building within 50 feet by one story or more shall provide a transition using at least one of the following techniques:
  - 1. “Stepping down” building height and mass along the shared property line to meet the height of the existing neighboring home along a minimum of 50 percent of the

**Commented [PN99]:** The existing Code also states a minimum gross floor area for the first floor of two-story homes. This has been eliminated.

**Commented [PN100]:** This is a new requirement intended to insure compatibility between structures of different heights.

new building's length. The "stepped-down" portion of the new building shall be a minimum of ten feet in width and depth. This option is available only where the existing residential building is located along the property line adjacent to the new building;

2. Providing variations in the side building wall and/or roof form so that new structures have a comparable scale as neighboring homes along the shared property line;
3. Utilizing a roof pitch and overhang similar to that of the neighboring structures; and
4. Utilizing dormers and sloping roofs to accommodate upper stories.

### Section 425.290 Building Elevations

#### A. Architectural Variety

1. Identical front elevation designs of new detached homes and duplexes shall not be permitted on any two adjacent lots on the same block face.
2. A continuous row of identical buildings along a block is prohibited. This provision is not intended to prohibit a row of attached townhouses, provided that each individual unit is architecturally distinguished from adjacent units through distinctions in the architectural features required in **subsection A.3**.
3. All sides of a residential building shall incorporate architectural detailing that complements the front facade and provides visual interest. Blank walls void of architectural detailing are prohibited except where required by the fire code. For the purposes of satisfying this standard, a minimum number of the architectural features listed in **subsection A.4** shall be incorporated into the overall design on each side of the building.
  - a. For each detached house, duplex, or townhouse, a minimum of three different architectural features; and
  - b. For each multi-unit building, a minimum of five different architectural features.
4. Architectural Features
  - a. Covered porches;
  - b. Balconies;
  - c. Prominent entry features;
  - d. Bay windows;
  - e. Door openings;
  - f. Distinct variations in color;
  - g. Variations in materials;
  - h. Variations in building height;
  - i. Variations in roof form;
  - j. Dormers;
  - k. Projected or recessed building walls; or
  - l. Other architectural features as approved by the Community Development Director.

#### B. Housing Type Variety

**Commented [PN101]:** New requirements intended to provide architectural variety.

1. A mix of residential housing types, including detached houses, duplexes, townhouses, and multi-unit buildings, is encouraged in zoning districts where such housing types are permitted.
2. In the R6 Zoning District, development sites larger than 10 acres shall incorporate a minimum of two housing types, including detached houses, duplexes, townhouses, or multi-unit buildings.

**Commented [PN102]:** New requirement based on recommendations of the Comprehensive Plan.

### **Section 425.300 Building Materials and Colors**

#### **A. Principal Building Materials**

1. Principal building materials shall be selected for their ability to withstand the local climate. Materials with demonstrated durability include, but are not limited to:
  - a. Brick;
  - b. Stone;
  - c. Cementitious and vinyl siding; or
  - d. Other comparable materials as approved by the Community Development Director.

#### **B. Other Standards**

1. Brick or stone wraps of at least 18 inches shall be required on the outside corner when brick or stone is used on the front elevation of an outside corner, except on side entry garage front corner wrap shall be a minimum of 12 inches.
2. The primary exterior wall material shall extend to within eight inches of the finished grade.
3. Finished materials on exterior chimney surfaces shall be extended to within 12 inches of the finished grade or terminate on a deck.
4. Architectural trim is required completely around all window openings, including basement windows. The window sash and trim measured together shall be a minimum of four inches on the front elevations of residential structures and three inches on side and rear elevations.

#### **C. Colors**

1. Color selections for residential buildings shall be compatible with neighboring residences, the natural surroundings, and with community standards.
2. The color selection shall not be materially and obviously dissimilar to the exterior color selections of other buildings in the surrounding neighborhood or to the range of colors in customary use in the community at large as to appear to be jarring, clashing, exotic or bizarre.
3. Identical front elevation color schemes of new detached homes and duplexes shall not be permitted on any two adjacent lots on the same block face.

### **Section 425.310 Garages and Accessory Structures**

#### **A. General**

1. All detached houses, duplexes, and townhouses shall have a minimum two-car detached or attached garage.
2. Side or rear entry garages are encouraged.

3. All garages shall be equipped with garage doors.
  4. Garage doors shall be finished with an approved color to blend with the building colors.
- B. Alley-oriented Garages
1. Where an alley exists, new garages serving new residential development shall be located at the rear of the lot and accessed from the alley.
- C. Street-oriented Garages
1. For detached houses, street-oriented garages shall not comprise more than 50 percent of the width of the front façade.
  2. For all residential development in the R6 Zoning District, garages that protrude towards the street in front of the primary façade of the structure are prohibited. All street-oriented garages shall be either:
    - a. Recessed a minimum of ten feet behind the front façade of the dwelling portion of the structure (including side-oriented garages) or a front porch or porte-cochere that is a minimum of five feet deep by eight feet long, or
    - b. Recessed a minimum of two feet beneath a second floor bay or balcony that extends the length of the garage door(s), roof overhang, or decorative roof element.
  3. Other garage configurations may be warranted by site constraints, such as topographic features and/or access limitations, and may be administratively approved as determined by the Community Development Director.
- D. Additional Standards for Multi-Unit Buildings
1. Garages and carports are not required for multi-unit buildings; however, when provided, they shall comply with the following standards.
  2. Residential developments with five or more units shall incorporate a variety of garage or carport configurations (e.g., street-oriented, side-loaded, alley-loaded, tandem) to minimize the visual impact resulting from long, uninterrupted rows of garages or carports.
  3. For multi-unit developments with multiple buildings in the R6 and MU Districts, garage/carports or garage/carport entries shall be internalized in building groupings and located away from street frontages or accessed using an alley.
  4. Tuck under garages shall be recessed a minimum of one foot beneath a second floor bay or balcony that extends the length of the garage door(s).
- E. Other Accessory Buildings
1. For multi-unit developments, free-standing garages, carports and other accessory structures (including but not limited to grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos) shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the primary multi-unit buildings, except that flat and shed roofs are prohibited.

**Commented [PN103]:** New requirements intended to minimize the visual effect of front entry garages.

**Commented [PN104]:** New requirements intended to minimize the visual effect of detached garages and carports for multi-unit buildings.

## Article V Mixed-Use and Nonresidential Site and Building Design

**Commented [PN105]:** The majority of these standards are new. Some existing site and building design standards were incorporated where applicable.

### Section 425.320 Purpose

- A. This Article is intended to promote high-quality building design and is intended to:
1. Protect and enhance the visual interest, character, and quality of nonresidential and mixed-use areas;
  2. Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;
  3. Mitigate negative impacts created by the scale and bulk of large buildings;
  4. Promote an environment that is friendly toward multiple modes of transportation and accommodates varying ages and abilities; and
  5. Protect and enhance property values and encourage further investment and reinvestment.

### Section 425.330 Applicability

- A. This Article shall apply to the following:
1. The construction of new nonresidential or mixed-use buildings which requires approval of a site plan (**Section 405.160**).
  2. Additions to nonresidential or mixed-use buildings which require approval of a site plan (**Section 405.160**).

### Section 425.340 Waivers and Modifications

- A. The standards of this Article may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
1. Minor adjustment (**Section 405.220**)
  2. Variance (**Section 405.230**)
  3. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

### Section 425.350 Site Design

- A. Building Orientation
1. Buildings shall be sited parallel to public rights-of-way or internal streets, to the maximum extent practicable.
  2. Buildings shall be oriented so that the principal building entrance faces the principal street or the street providing main access to the site.
  3. Where there are multiple buildings on a development parcel, at least one building shall be oriented with an entrance facing the principal street or the street providing main access to the site.
  4. When a structure is located on a corner lot, prominent entries are encouraged for both façades along the street edge or a single prominent entry to face the corner.
- B. Dimensional Standards
1. Refer to **Section 415.080, *Mixed-Use and Nonresidential Dimensional Standards***.
- C. Landscape, Screening, and Fencing

1. Refer to **Chapter 425, Article II, Landscape, Screening, and Fencing.**
- D. Parking, Access, and Mobility
1. Refer to **Chapter 425, Article III, Parking, Access, and Mobility.**
- E. Exterior Lighting
1. Refer to **Chapter 425, Article VI, Exterior Lighting.**

#### **Section 425.360 Building Height Transitions**

- A. A new building with a height that exceeds that of an adjacent residential building within 50 feet by one story or more shall provide a transition using at least one of the following techniques:
1. “Stepping down” building height and mass along the shared property line to meet the height of the existing neighboring home along a minimum of 50 percent of the new building’s length. The “stepped-down” portion of the new building shall be a minimum of ten feet in width and depth. This option is available only where the existing residential building is located along the property line adjacent to the new building;
  2. Providing variations in the side building wall and/or roof form so that new structures have a comparable scale as neighboring homes along the shared property line;
  3. Utilizing a roof pitch and overhang similar to that of the neighboring structures; and
  4. Utilizing dormers and sloping roofs to accommodate upper stories.

#### **Section 425.370 Building Elevations**

- A. Architectural Variety
1. Monotony of design in single or multiple building projects shall be avoided. Where appropriate, variation of detail, form and siting shall be used to provide visual interest.
- B. Horizontal and Vertical Articulation
1. No building elevation, regardless of exterior wall plane setback or the location of interior walls, shall exceed 30 feet in length without incorporating at least three of the following elements:
    - a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 24 inches in depth and that has the effect of casting shadows.
    - b. Glazed windows and doors, if used to comply with this standard shall comprise not less than 30 percent of the elevation of which they are a part. See also **subsection D, Windows and Doors**, for additional requirements.
    - c. Change in texture and/or masonry pattern.
    - d. Change in building, parapet, or roofline height. If used to comply with this standard, the minimum change in roofline shall be two feet.
    - e. Awnings or canopies extending at least four feet beyond the building face.
  2. Alternative Designs

- a. An equivalent design that provides pedestrian interest by dividing the façade into horizontal and vertical planes and is in proportion to the height and width of the entire building may be approved; however, design elements used to fulfill this standard shall not consist solely of color variations.
  - 3. Building Elevations Facing Public Rights-of-Way
    - a. Building elevations that face public rights-of-way, parking lots, or adjacent residential land uses shall include glazed windows and doors as one of the required elements enumerated in **subsection B.1**. See also **subsection D, Windows and Doors**.
  - 4. False Windows and Doors
    - a. Building elevations not adjacent to residential land uses, public rights-of-way, parking lots, Lake Saint Louis, Lake Sainte Louise, or that do not have a customer entrance, may use false windows and/or doors to fulfill the requirement in **subsection B.1**. The windows and/or doors, whether functional, false, or a combination of functional and false windows and/or doors, shall make up a minimum of 30 percent of the elevation of which they are a part and shall have a minimum six-inch change of wall plane from the primary wall in order to provide shadow or sense of depth.
- C. Roofs
- 1. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 50 feet in length without a visual variation that incorporates:
    - a. Projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet; or
    - b. Change in roof height of at least two feet; or
    - c. Another architectural feature approved through the Alternative Compliance process.
  - 2. Mansard roofs, or roofs having a mansard-like appearance, are prohibited.
  - 3. Flat roofs shall be concealed by parapets that are in proportion to the overall building design and that are generally of sufficient height to conceal rooftop mechanical systems that are in view from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties. Parapets shall not exceed the maximum building height as established in **Section 415.080, Dimensional Standards**, except where allowed by **Section 410.140.A.3, Exceptions**.
- D. Windows and Doors
- 1. In order to create a sense of transparency and to visually connect the building's interior with the public exterior, primary and secondary customer entrances shall be clearly defined, highly visible and feature a minimum of two of the following treatments:
    - a. Recessions and/or projections with a minimum change in wall plane of 24 inches.
    - b. Display windows that are located immediately adjacent to the customer entrance and that are in proportion to the overall façade of which they are a part.

- c. Canopies, porticos, overhangs, or awnings with a minimum projection of four feet and of a width that at minimum spans the customer entrance.
  - d. Raised, corniced parapets located over the customer entrance with a minimum projection of four feet and that span at least the width of the customer entrance door.
  - e. Outdoor patios with customer seating and landscaping that at a minimum includes perennials, shrub plantings, and/or ornamental trees.
2. To preserve views and to provide a clear sense of connection into and out of the building, window and door glazing shall be transparent or have a low-reflectivity. Mirror-like windows are prohibited.
  3. The primary entrances to a building shall be clearly identified.

### **Section 425.380 Building Materials and Colors**

#### **A. Generally**

1. All sides of the building shall be constructed using materials that are compatible with, or of equal or greater quality, as those used on elevations with customer entrances, elevations facing public rights-of-way or surface parking areas, and elevations adjacent to Lake Saint Louis, or Lake Saint Louise.
2. Building materials and colors shall be compatible with adjacent buildings.

#### **B. Principal Building Materials**

1. Building materials shall be high-quality and long-lasting and shall have a proven ability to withstand the local climate. The primary exterior building wall material, consisting of at least 70 percent of the elevation to which it is applied, shall be one or more of the following:
  - a. Brick
  - b. Natural and cultured stone
  - c. Stucco, including synthetic stucco
  - d. Another material that meets the intent of this standard.
2. The primary exterior wall material shall extend to within eight inches of the finished grade.

#### **C. Roofing Materials**

1. Roofing material shall not include corrugated metal panels.

#### **D. Colors**

1. Color and intensity of color proposed for all exterior building and roofing materials, including exposed rooftop mechanical systems such as HVAC equipment, roof vents, air handling/exchange units, shall be natural, non-primary or muted colors with low reflectivity.
2. Exterior building and roofing colors shall not include white, off-white, high-intensity primary colors, and/or fluorescent colors.

## Article VI Exterior Lighting

### Section 425.390 Purpose

- A. The purpose of this Article is to ensure that outdoor lighting provides adequate illumination to promote safety at night, and to minimize light pollution and light spillover onto adjacent properties.

### Section 425.400 Applicability

- A. This Article applies to all exterior lighting that is installed or replaced after the effective date of this Code.
- B. The following types of exterior lighting are exempt from the requirements of this Article, provided they shall not create glare to motorists or result in light trespass onto adjacent properties:
1. Holiday Lighting.
  2. Twinkle lighting located on trees, bushes, or landscape features in mixed-use and nonresidential zoning districts.
  3. Bistro lighting located in a mixed-use or nonresidential zoning district.
  4. Temporary lighting of construction sights and special events.
  5. Lighting of signs.
  6. Lighting associated with detached homes, duplexes, and townhouses.
  7. Lighting associated with public and private parks and recreational uses.

### Section 425.410 Waivers and Modifications

- A. The standards of this Article may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
1. Minor adjustment (**Section 405.220**)
  2. Variance (**Section 405.230**)
  3. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

### Section 425.420 General Lighting Requirements

- A. Maximum on-site illumination shall not exceed 10 foot-candles, unless otherwise allowed in this Code. The following are exempt from this requirement:
1. Canopy lighting for gasoline stations
  2. Security lighting
- B. Light spillover onto adjacent properties shall not exceed 0.0 footcandles at any property line, except where the property line is adjacent to walkways, driveways, and streets; or multi-unit, mixed-use or nonresidential developments.

### Section 425.430 Prohibited Lighting Types

- A. The following types of exterior lighting are prohibited unless allowed elsewhere in this Code:
1. Unshielded lights, lamps, or floodlights that produce glare and light trespass.

**Commented [PN106]:** These standards are new. The existing Code does not have specific lighting standards. The proposed standards are modeled after existing requirements in the Shoppes at Hawk Ridge.

2. Lights that flash, move, revolve, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation, except holiday lighting.

#### **Section 425.440 Parking Area Lighting**

- A. Poles
  1. The maximum pole height is 25 feet.
  2. The maximum base height is three feet.
  3. All poles and luminaries shall be black, dark bronze, grey, or other neutral color. Bases shall be unpainted concrete.
- B. Shielding of Lights
  1. All light fixtures shall be full cutoff and/or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane.
- C. Illuminance
  1. Maintained average illuminance values in mixed-use, nonresidential and multi-unit residential parking areas shall be no less than two foot-candles, and no single point shall measure less than one foot-candle. Illuminance shall be measured using only the light produced on site.
  2. The acceptable uniformity ratio for lighted areas shall comply with recommended ranges adopted by the International Engineering Society of North America (IESNA) for low, medium, and high activity areas.

#### **Section 425.450 Building Lighting**

- A. Except for decorative lighting, all building-mounted light fixtures shall be full cutoff and/or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane.
- B. Decorative lighting shall be permitted provided all light is cast against the building surface.
- C. Lighting fixtures for canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy.

### **Article VII Signs**

#### **Section 425.460 Purpose**

- A. The City recognizes that signs are necessary means of visual communication for the public convenience and that uses and activities have the right to identify themselves by using signs that are accessory and incidental to the use on the property where the signs are located. The purpose of this Article is to:
  1. Minimize incompatibility between signs and their surroundings;
  2. Provide for signs within reasonable limitations, consistent with the goals and objectives of the community, to retain the special character and economic advantages that rest largely on the quality of the community's appearance;
  3. Protect the public from hazardous conditions by prohibiting signs that are structurally unsafe or obscure, distract the vision of motorists, or compete or conflict with necessary traffic signs and warning signals;

**Commented [PN107]:** These regulations were updated to remove content-based requirements for compliance with case law and first amendment protections. Based on rulings of the Supreme Court, any sign regulation with different rules for different categories of signs is "content based," as long as the categories are defined by the content, topic, or subject matter of the sign's message. For example, an ordinance that allows "political" signs to be ten square feet, but limits "temporary directional signs" to five square feet, is content-based. Content-based regulations are not automatically unconstitutional; however, they are subject to the "strict scrutiny" test in the courts, which is extremely difficult to pass.

Most standards (sign type, size, location) are the same as existing.

4. Eliminate hazards caused by the size and placement of signs and reduce the possibility of injuries to those coming near or under signs;
5. Promote the health, safety and public welfare of the City, its residents and its visitors;
6. Regulate signs in accordance with the City's policies and with the U.S. and Missouri Constitutions; and
7. Protect the right to free speech by the display of messages on signs through content- neutral regulations.

#### **Section 425.470 Applicability**

- A. The requirements of this Article apply to all signs and support structures located within the City. The following are signs and messaging that are not regulated by this Article including any requirements for sign permits:
  1. Sign Activities
    - a. The ordinary preventative maintenance of a lawfully existing sign that does not involve a change of placement, size, lighting, or height.
    - b. The repainting of a lawfully existing sign.
    - c. The changing of copy of lawfully existing changeable copy signs.
  2. Address Numbers
    - a. For the purpose of safety services locating a property, a sign denoting the number and street address of the premises is permitted provided such sign complies with the applicable building and fire codes.
  3. Directional Signs
    - a. On-premise signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.
  4. Flags
    - a. Flags that do not contain a commercial message.
  5. Fuel Pumps, ATMs and Shopping Cart Corrals
    - a. Signs located on fuel pumps, ATMs, shopping cart corrals, or similar structures.
  6. Integral Signs
    - a. Any inscription carved into stone or similar material that is integral to a building, such as those commonly found on cornerstones, stamped into sidewalks, or identified by plaques or tables.
  7. Interior Signs
    - a. Any sign located inside a building.
    - b. Signs located within facilities for public assembly such as parks, stadiums, open-air theaters, and arenas, which are not visible from a public right-of-way or adjacent property and can be viewed only by persons within such facility.
  8. Minor Noncommercial Message Signs
    - a. Signs not exceeding two square feet in area that do not contain a commercial message.
  9. Patio Signs

- a. Any sign located on umbrellas or similarly related private patio furniture or seating.
- 10. Public Art
  - a. Any works of art that do not contain a commercial message.
- 11. Public Signs
  - a. Signs installed or required by the public utility providers, the City, St. Charles County, or any agency of the State of Missouri or federal government.
- 12. Seasonal Decorations
  - a. Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message.
- 13. Vehicle Signs
  - a. Signs painted on or otherwise attached to currently licensed motor vehicles that are not primarily used as signs.
- 14. Window Signs
  - a. Signs affixed to or painted on the glass of an exterior door or window or located inside a building.

**Section 425.480 Waivers and Modifications**

- A. The standards of this Article may be waived or modified through one of the following procedures, except where an alternative procedure is specified in this Article:
  1. Comprehensive Sign Plan (**Section 425.580**)
  2. Minor adjustment (**Section 405.220**)
  3. Variance (**Section 405.230**)
  4. Zoning Map Amendment (**Section 405.100**) to Planned Unit Development (**Section 415.130**)

**Section 425.490 General Provisions**

- A. Savings and Severability
  1. If any clause, section, or other provision of the application of this Article shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such clause, subsection, or other part of the application of this Article shall be considered eliminated and not affecting the validity of the remaining clauses, sections, or applications remaining in full force and effect.
- B. Administration and Interpretation
  1. This Article shall be administered and enforced by the Community Development Director.
  2. Literal readings of the code language will be used.
  3. Regulations are no more or less strict than as stated.
  4. Application of the regulations that are consistent with the rules of this Article are non-discretionary actions to implement the requirements of this Article.
  5. This Article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

6. Where this Article is silent, or where the rules of this Article do not provide a basis for concluding that a sign is allowed, said sign is therefore prohibited.

#### **Section 425.500 Sign Permits**

- A. Except as provided for in **Section 425.470, *Applicability***, or where otherwise expressly stated, **Table 425.540.A, *Summary of Permanent Sign Standards***, and **Table 425.540.B, *Summary of Temporary Sign Standards***, establish all permitted sign types and establish where a sign permit is required for individual signs in accordance with **Section 405.200, *Sign Permit***.

#### **Section 425.510 Prohibited Signs**

- A. The following types of signs are specifically prohibited:
  1. General
    - a. Any sign not specifically allowed by this Article.
  2. Attention-Grabbing Devices
    - a. Windblown devices, not including projecting signs.
    - b. Flashing, intermittent, or moving signs that flash or move more than once every three seconds, blinker, racer type, animated, whirligig devices, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-grabbing devices.
    - c. Beacons, spotlights, and searchlights, except for emergency purposes;
    - d. Pennants, ribbons, or streamers.
    - e. Portable signs, not including A-frame or T-frame sidewalk signs as allowed in this chapter.
    - f. Balloon signs or air activated signs.
  3. Location
    - a. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign.
    - b. Signs that are applied to trees, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure.
    - c. Signs placed on any surface located on, over, or across any right-of-way shall be prohibited unless otherwise permitted by this Article or authorized by the Public Works Director.
    - d. Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building.
  4. Public Safety
    - a. Any sign that copies or imitates a sign installed by a government agency for official purposes.
  5. Vehicles

- a. Signs with a commercial message that are painted on or attached to a stationary vehicle or trailer which is located in such a manner as to serve exclusively as permanent, temporary, or portable signage.

**Section 425.520 Sign Measurements**

**A. Sign Area**

- 1. The sign area is the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.
- 2. Signs Enclosed in Frames or Cabinets
  - a. The area of a sign enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.



Figure 425.520.A.2: Sign Area - Signs Enclosed in Frames or Cabinets

- 3. Individual Letters or Elements
  - a. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest square or rectangle that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than two times the dimension of each letter and/or element.



Figure 425.520.A.3: Sign Area – Individual Letters or Elements

4. Back to Back Signs
  - a. Projecting, suspended, and freestanding signs may be back-to-back with two sign faces, and each face may have an area not to exceed the maximum stated for each respective sign type.
- B. Building Façade Area
  1. The building façade area is the entire surface area of the façade where a sign is located or is proposed to be located, including building walls, doors, windows, recessed and projecting areas, and all other features.

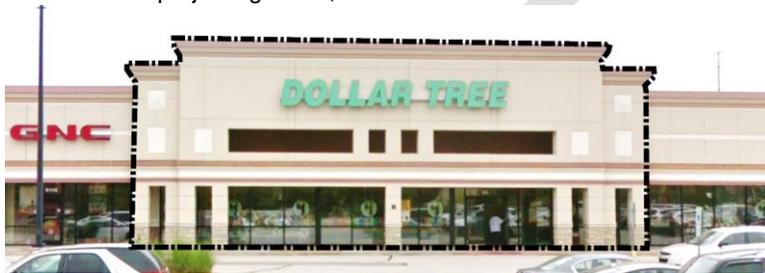


Figure 425.520.B: Building Façade Area

2. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles.
  3. For single-tenant buildings and multi-tenant buildings with a shared entrance, the facade length is measured between two side facades.
  4. For multi-tenant buildings with separate entrances for each tenant, the facade length is measured from the individual tenant's party wall to the opposite party wall or the side facade, if applicable.
  5. The facade height is measured from the ground to the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.
- C. Sign Height
    1. Sign height shall be determined by calculating the vertical distance between the lowest elevation of the ground abutting the sign and the level of the highest point of the sign.
  - D. Sign Clearance
    1. Clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

### **Section 425.530 General Regulations for All Permanent and Temporary Sign Types**

#### **A. Safety**

1. No sign permitted by this Article shall be placed or erected so as to prevent ready access to any window, door, passageway or fire escape, nor shall any sign be placed on private property in such a manner as specified in this Code so as to constitute a hazard to motor vehicles and pedestrian traffic or obscure the view of motor vehicle operators or pedestrians.
  2. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or to be confused with official traffic signs or other signs erected by governmental agencies.
  3. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets, roads or parking lots.
- B. Overhangs
1. The lowest point of a sign that extends over an area intended for pedestrian use shall be at least eight feet above the finished grade below it. The lowest point of a sign that extends over an area intended for vehicular use shall be at least 14 feet above the finished grade below it.
- C. Materials
1. Permanent signs shall be constructed of durable materials and installed to comply with applicable City codes. Permanent signs shall not be made of paper, cloth, canvas (except for awning and canopy signs), cardboard, wallboard, or other similar nondurable materials.
  2. Permanent signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
  3. Signs containing unpainted metal or reflective material of any type shall be prohibited.
  4. All visible structural components of signs (excluding the sign face) shall be constructed of natural materials that blend with the natural environment or are compatible (however, not necessarily identical) in color and texture with the adjoining buildings or shall be painted a neutral or compatible color that is compatible with adjoining buildings and/or the natural environment.
- D. Illumination
1. Unless otherwise prohibited by this Article, signs may be illuminated in accordance with the following:
    - d. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly onto surrounding areas.
    - e. Illumination on the surface of an illuminated sign, measured at the brightest point ten feet from the surface of the sign, shall not exceed five foot-candles.
      - a. No illumination source shall create a traffic hazard or distraction to operators of motor vehicles.

- b. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.
- c. Illumination of electronic message signs shall comply with **Section 425.550.C.4, *Electronic Message Center.***

E. Sign Setbacks

- 1. Freestanding signs shall be set back from the property lines in accordance with **Table 425.540.A, *Summary of Permanent Sign Standards,*** and **Table 425.540.B, *Summary of Temporary Sign Standards.***
- 2. Attached signs are not subject to setback requirements.
- 3. Any signs located at intersections of streets and driveways shall comply with **Section 425.080, *Visibility at Intersections.***

F. Sign Projections

- 1. No sign attached to a building may project more than 12 inches from the building wall, unless specifically outlined in this Article.

**Section 425.540 Summary of Permanent and Temporary Sign Standards**

- A. **Table 425.540.A, *Summary of Permanent Sign Standards,*** establishes the allowed permanent sign types and standards. Permanent signs are subject to additional standards in **Section 425.550, *Additional Standards for Permanent Signs.***

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Table 425.540.A Summary of Permanent Sign Standards

Key: P = Permitted

Sign Type	Sign Permit	RR-R4	R5-R6	MU	CO	C1	C2	LI	PA	Number of Signs, Maximum	Sign Area, Maximum Per Face	Sign Height, Maximum	Sign Location
<b>Permanent-On Premises-Attached</b>													
Awning or canopy	Yes	-	-	P	P	P	P	P	P	One per awning or canopy	30 percent of the awning or canopy surface area.	Maximum building height in the applicable zoning district	Flush to the sides or front of an awning or canopy, or hung beneath a canopy
Projecting	Yes	-	-	P	P	P	P	P	P	One per building entrance	10 square feet	Maximum building height in the applicable zoning district	Below the roof line
Roof	Yes	-	-	P	P	P	P	P	P	No maximum	The combined sign area of all roof and wall signs shall not exceed 6% of the building façade area.	Maximum building height in the applicable zoning district	On roofs not more than six feet above the lowest point of the roof, and not extending above a parapet wall or above the roof's major ridgeline.
Suspended	Yes	-	-	P	P	P	P	P	P	One per building entrance	4 square feet	Maximum building height in the applicable zoning district	<ul style="list-style-type: none"> <li>• Shall not project beyond the limits of the awning or canopy to which it is attached</li> <li>• 12 feet from other suspended signs</li> </ul>
Wall	Yes	-	-	P	P	P	P	P	P	No maximum	The combined sign area of all roof and wall signs shall not exceed 6% of the building façade area.	Maximum building height in the applicable zoning district	On walls or parapets
<b>Permanent-On Premises-Freestanding</b>													
Changeable Copy	Yes	-	-	-	-	-	-	-	P	Only allowed as part of a monument sign	40 square feet	6 feet	10 feet from lot lines
Drive-through	Yes	-	-	P	P	P	P	P	P	2 per drive-through lane	36 square feet per sign, 72 square feet total	7 feet	10 feet from lot lines; adjacent to drive through lane(s) in side and rear yards
Electronic Message Center	Yes	-	-	-	-	P	P	-	P	Only allowed as part of a monument sign	35% of the monument sign area, not to exceed 32 square feet.	6 feet	10 feet from lot lines
Monument	Yes	P	P	P	P	P	P	P	P	MU, CO, C1, C2, LI, PA: One per lot RR-R6: Two per entrance to the subdivision or multi-unit development	100 square feet	10 feet	10 feet from lot lines
Pole	Yes	-	-	-	-	P	P	-	-	One per lot	C1: 120 square feet C2: 200 square feet	C1: 20 feet C2: 35 feet	15 feet from lot lines

Sign Type	Sign Permit	RR-R4	R5-R6	MU	CO	C1	C2	LI	PA	Number of Signs, Maximum	Sign Area, Maximum Per Face	Sign Height, Maximum	Sign Location
<b>Permanent-Off Premises-Freestanding</b>													
<b>Billboard</b>	Yes	-	-	-	P	P	P	P	-	See Section 425.550.D.1	See Section 425.550.D.1	See Section 425.550.D.1	See Section 425.550.D.1

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B. **Table 425.540.B**, *Summary of Temporary Sign Standards*, establishes the allowed temporary sign types and standards. Temporary signs are subject to additional standards in **Section 425.560**, *Additional Standards for Temporary Signs*.

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**Table 425.540.B Summary of Temporary Sign Standards**

Key: P = Permitted

Sign Types	Qualifications	Sign Permit	RIGHT-OF-WAY	RR-R4	R5-R6	MU	CO	C1	C2	LI	PA	Sign Area	Number of Signs, Maximum	Sign Height, Maximum	Sign Location	Duration
<b>On Premises - Commercial Message - Attached or Freestanding</b>																
Banner	-	Yes	-	-	P <i>multi unit only</i>	P	P	P	P	P	P	32 square feet	1 per street frontage or 1 per nonresidential tenant and no more than 3 per property at one time	5 feet (freestanding)	10 feet from property lines	45 days per year, not to exceed 14 consecutive days at a time; or, up to 60 consecutive days for a new use or change in nonresidential use.
<b>On Premises - Commercial Message - Freestanding</b>																
Sidewalk	-	No	-	-	-	P	P	P	P	P	P	8 square feet	1 per tenant	4 feet	See Section 425.570.C.2	No limit
Yard	Properties for sale or lease	No	-	P	P	P	P	P	P	P	P	6 square feet <i>Residential Zoning Districts</i> 32 square feet <i>Mixed-Use and Nonresidential Zoning Districts</i>	1 per street frontage	5 feet <i>Residential Zoning Districts</i> 8 feet <i>Mixed-Use and Nonresidential Zoning Districts</i>	10 feet from property lines	No limit
Yard	Properties with an active grading or building permit	No	-	P	P	P	P	P	P	P	P	32 square feet	1 per street frontage	8 feet	10 feet from property lines or attached to a construction fence	No limit
Yard	New residential development with an active sales or leasing office	No	-	P	P	P	-	-	-	-	-	64 square feet	1 per street frontage	8 feet	-	No limit, except developments with permanent leasing offices shall remove all such signs upon the issuance of a certificate of occupancy
Yard	New residential development with an active sales or leasing office	No	-	P	P	P	-	-	-	-	-	32 square feet	2 per sales center	5 feet	On the same property as the sales or leasing office.	No limit, except developments with permanent leasing offices shall remove all such signs upon the issuance of a certificate of occupancy
Yard	New residential development with an active sales or leasing office	No	-	P	P	P	-	-	-	-	-	18 square feet	2 per every 25 lots or units	5 feet	At least 250 linear feet from the entrance and may not be oriented to traffic on abutting	No limit, except developments with permanent leasing offices shall remove all such signs upon the

Sign Types	Qualifications	Sign Permit	RIGHT-OF-WAY	RR-R4	R5-R6	MU	CO	C1	C2	LI	PA	Sign Area	Number of Signs, Maximum	Sign Height, Maximum	Sign Location	Duration
															publicly accepted roads.	issuance of a certificate of occupancy
<b>On Premises - Noncommercial Message - Attached or Freestanding</b>																
<b>Banner or Yard</b>	-	No	-	P	P	P	P	P	P	P	P	32 square feet <i>Mixed-Use and Nonresidential Zoning Districts and Multi-Unit uses</i>  6 square feet <i>All other zoning districts and uses</i>	No limit	5 feet (freestanding)	10 feet from property lines	No limit
<b>Off Premises - Noncommercial Message - Freestanding</b>																
<b>Banner</b>	-	Yes	P	-	-	-	-	-	-	-	-	32 square feet	1 per location, 5 per activity or event	5 feet	10 feet from property lines on City-owned property; or within right-of-way adjacent to nonresidential zoning districts.	10 consecutive days
<b>Yard</b>	Directional signs only	No	P	-	-	-	-	-	-	-	-	3 square feet	1 per intersection in any one direction	3 feet	Right-of-Way	Not more than 1 day before and 1 day after an event, 4 consecutive days maximum

## **Section 425.550 Additional Standards for Permanent Signs**

### **A. Generally**

1. Permanent signs are allowed as indicated in **Table 425.540.A, Summary of Permanent Sign Standards**, and are subject to the additional standards of this Section.

### **B. On Premises Signs - Attached**

#### **1. Generally**

- a. Attached signs shall be designed to be consistent and compatible with the building to which the signs are attached, including proportional scale and compatible design, materials, and color.
- b. Attached signs may be illuminated.
- c. Attached signs shall be permitted on any building elevation, regardless of street frontage; however, in no case shall attached signs be allowed on building elevations fronting Lake Saint Louis, Lake Saint Louise, or property that is zoned or used for residential purposes, unless it is determined by the Community Development Director that a sufficient combination of distance, buffer, or other conditions exists between the subject property and the proposed sign so that the sign will not be visible from such property or will not adversely affect such property. A sign approved in this manner shall not be illuminated.

#### **2. Awning or Canopy Sign**

- a. Awning and canopy signs may either be:
  - (1) Made of rigid weatherproof materials; or
  - (2) Made of the same material as the awning or canopy; or
  - (3) Painted with weather-resistant paint directly on the awning or canopy material.
- b. All signs constructed of materials other than paint or the material with which the canopy or awning is covered shall be permanently attached to the frame of the awning or canopy.
- c. The maximum vertical dimension of the sign shall not exceed 18 inches.

#### **3. Projecting Sign**

- a. No additional requirements.

#### **4. Roof Sign**

- a. In no case shall the maximum sign surface area of any permitted roof sign exceed 200 square feet on any one unplatted parcel of land or 500 square feet on any platted parcel of land.

#### **5. Suspended Sign**

- a. Suspended signs hanging from the underside of an awning or canopy shall not extend beyond the edge of such structure.

#### **6. Wall Sign**

- a. In no case shall the maximum sign surface area of any permitted wall sign exceed 200 square feet on any one unplatted parcel of land or 500 square feet on any platted parcel of land.
- C. On Premises Signs - Freestanding
  - 1. Generally
    - a. Freestanding signs shall be designed to be consistent and compatible with the building to which the signs are associated with, including proportional scale and compatible design, materials, and color.
    - b. Freestanding signs shall be placed within a landscaped area equal in size to the area of the sign face or shall be located within an improved area clearly oriented toward pedestrians such as a seating, dining, or landscaped entry area.
    - c. Freestanding signs serving multiple tenants or parcels must be owned and operated by the owner of the parcel and be available to serve all tenants.
    - d. Freestanding signs may be illuminated.
  - 2. Changeable Copy Sign
    - a. Signs are permitted only as they can be incorporated into monument signs.
    - b. One sign may be placed on each side of a two-faced monument sign.
    - c. Signs, whether incorporated into one side of a monument sign or two sides of a monument sign, will be permitted at only one location on any one lot.
  - 3. Drive-through Sign
    - a. One face per sign is permitted.
    - b. Signs shall be of a similar design using similar colors and materials as other freestanding signs associated with the use.
    - c. Digital displays are permitted.
  - 4. Electronic Message Center
    - a. Design
      - (1) Signs are permitted only as they can be incorporated into monument signs.
      - (2) One sign may be placed on each side of a two-faced monument sign.
    - b. Location
      - (1) Signs, whether incorporated into one side of a monument sign or two sides of a commercial sign, will be permitted at only one location on any one lot in close proximity to the facility's main vehicular entrance.
      - (2) Signs located in the MU, C1 or C2 Districts shall be located no closer than 250 feet from the nearest residential property line.
    - c. Display
      - (1) Use of graphic functions such as explode, swirl, flash, grow, melt, x-ray, scroll (up or down), write-on, travel, inverse, roll, twinkle, snow or other animation is prohibited.
      - (2) Use of video or moving video images is not permitted.
      - (3) Displays on signs must be displayed for a minimum of 30 seconds between the hours of 6:00 A.M. and 10:00 P.M.; display boards shall

remain static without change of message between the hours of 10:00 P.M. and 6:00 A.M.

(4) Change to a separate display must utilize the graphic functions of fade-out and fade-in.

(5) Signs must be designed and equipped to freeze the device in one position if a malfunction occurs.

d. Brightness

(1) Signs must have capabilities for regulating brightness.

(2) The brightness of signs must automatically adjust via photocell for use during daylight hours and non-daylight hours.

(3) The maximum permitted brightness is 5,000 NIT (candela per square meter) during daylight hours and 300 NIT (candela per square meter) during non-daylight hours.

(4) At the request of appropriate City officials at any reasonable time following installation, the operator of the sign shall demonstrate that settings are in compliance with this Article.

**Commented [PN108]:** Current limits are 10,000 NIT (daytime) and 700 NIT (night).

5. Monument Sign

a. Sign foundations shall be constructed with a finished material such as brick or stone.

b. Monument signs may be located in medians and in such cases are not subject to setback requirements but shall comply with sight distance requirements.

6. Pole Sign

a. Pole signs are only permitted on lots that are 15 acres or larger in size.

D. Off-Premises – Freestanding

1. Billboards

a. Purpose

(1) The intent of these regulations is to regulate and control the display of billboards to promote roadway safety, convenience and enjoyment of roadway travel and to preserve the aesthetic character along major roads.

b. Location

(1) Billboards shall be permitted in the CO, C1, C2 and LI zoning districts in areas within 660 feet of the nearest edge of the right-of-way and visible from any part of the interstate or primary highway system subject to these regulations and any superseding regulations by the Missouri Department of Transportation or Sections 226.500 to 226.600, 71.288, RSMo., as amended.

c. Spacing

(1) No sign structure shall be erected within 2,000 feet of an existing billboard on the same side of the highway.

(2) Before a permit is issued, the applicant shall submit a sign survey to indicate the relative vertical and horizontal distances between the proposed sign and all other pole mounted signs within 1,000 feet. If by

**Commented [PN109]:** The current requirement is 5 miles. Prior to 2009, it was 1,000 feet. 5 miles is overly restrictive (the City isn't 5 miles in any direction) and could be challenged.

reason of height, size or spacing the proposed sign creates a significant disharmony with pole mounted signs within 1,000 feet or unreasonably detracts from the visibility of other neighboring signs or properties, the Planning and Zoning Commission or Community Development Director may require reasonable modification of the sign's dimensions to cure such deficiencies as a condition to granting a permit.

- (3) No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
- (4) The spacing requirements do not apply to signs which are separated by buildings, natural surroundings or other obstructions in such a manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located or those which advertise activities on the property on which they are located, including products sold, shall not be counted or shall measurements be made from them for the purpose of compliance with spacing provisions.
- (5) The measurement in this subsection shall be minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved.

d. Setbacks, Safety Clearances and Heights

- (1) In order to provide a safety zone to prevent injury or property damage from collapse of billboard caused by acts of God or other causes, each billboard shall have the following minimum setbacks:
  - (a) 90 feet from its nearest edge to the right-of-way of any interstate or primary highway.
  - (b) 90 feet from all property lines and from all roofed structures, from all points of the off-premises billboard.
    - (i) The applicant shall present documentation to the reasonable satisfaction of the Community Development Director that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones.
  - (c) 1,000 feet from any interchange, existing or approved for construction by the Missouri Highway and Transportation Department, intersection at grade or safety rest area. Said 1,000 feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
  - (d) 1,000 feet from land zoned for residential or public activity purposes.

e. Height

- (1) Each off-premises billboard shall have a maximum height, measured from the ground to the highest point of such off-premises billboard, of 35 feet.

f. Size

- (1) The maximum area for any one sign shall be 672 square feet with a maximum width of 20 feet and a maximum length of 50 feet, inclusive of border and trim but excluding the base or apron, supports and other structural members.

**Commented [PN110]:** Currently 1,200 square feet. The proposed is more consistent with other municipalities.

- (a) In determining the size of a conforming or nonconforming sign structure, temporary cutouts and extensions installed for the length of a specific display contract shall not be considered a substantial increase to the size of the permanent display; provided the actual square footage of such temporary cutouts or extensions may not exceed thirty-three percent of the permanent display area.

- (2) The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back to back, double faced or in V-type construction with not more than two displays to each facing, but sign structure shall be considered as one sign.

g. Lighting

- (1) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted.
- (2) External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate of Federal-aid primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
- (3) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, any official traffic sign, device or signal, nor shall the illumination be directed toward any residential area.
- (4) The maximum average lighting intensity level for such sign shall be 20 foot-candles.
- (5) No billboard shall have any electronic, digital, tri-vision or other changeable copy display.

h. Nuisances

- (1) Any off-premises billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property.

i. Access

- (1) Direct access to off-premises billboards from curb cuts along a State highway or service road shall be prohibited. Direct access shall be gained through paved roads and drives which are private and internal to a lot or parcel. All vehicles, equipment and people used to build, service, maintain and repair such signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.
- j. Application Procedure
  - (1) All new billboard structures shall require approval of a special use permit (**Section 405.170**).
  - (2) The sign located on the billboard face shall be approved through the sign permit process (**Section 405.200**).
  - (3) A building permit, electrical permit and/or certification of a structural engineer may be required in association with a billboard structure and/or sign.
  - (4) The City shall not issue a permit for any new off-premises billboard without a permit having first been issued by the Missouri Highway and Transportation Commission.
- k. Annual Inspection
  - (1) Owners of all signs erected after the effective date of this Code shall be required to submit an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before June 1 of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

#### **Section 425.560 Additional Standards for Temporary Signs**

##### **A. Generally**

1. Temporary signs are allowed as indicated in **Table 425.540.B, Summary of Temporary Sign Standards**, and are subject to the additional standards of this Section.
2. No balloons, ribbons, flags, pennants, ornaments or other embellishments shall be attached to any temporary signs.
3. Temporary signs shall not be affixed to any public utility structure, tree, fence or any public or existing private sign standard.
4. Temporary signs may not be illuminated.
5. Any person, persons, firm, corporation or partnership promoting the event promoted by a temporary sign shall be presumed to be the owner of such sign.
6. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.
7. Temporary signs placed or exhibited in a manner not in compliance with the provisions of this Code are subject to removal in accordance with **Section 425.570.D, Removal of Signs**.

8. The Community Development Director may approve an alternative sign type in lieu of a permitted sign type.
- B. Temporary Signage for New Residential Developments
  1. In addition to permitted temporary signs allowed as indicated in **Table 425.540.B, Summary of Temporary Sign Standards**, additional temporary signs including but not limited to pole flags, banners and display home canopies may be approved for new residential developments subject to approval by the Community Development Director.
  2. All such signs shall be removed upon the cessation of the presence of an active sales or leasing office within the development or the issuance of a certificate of occupancy.
- C. Permitted Sign Types
  1. Banners
    - a. Banner signs may be displayed only as a wall sign on a building facade or as a ground-mounted sign.
    - b. All banner signs shall be securely fastened to the facade of the building or to two or more posts in the ground.
    - c. All freestanding banner signs shall include wind cuts to reduce the tendency of the banner to billow or sail.
  2. Sidewalk Signs
    - a. A-frame and T-frame sidewalk signs are permitted.
    - b. Signs shall be located on the private or public sidewalk immediately adjacent to the front door of the business utilizing the sign when the business is open.
    - c. Such signs may be located no further than 20 feet from the front door of the business and must be in front of the front facade of the business, if the business is located in a multi-tenant building.
    - d. Such signs may be adorned with balloons.
    - e. Signs shall not obstruct safe and clear pedestrian paths along sidewalks.
  3. Yard Signs
    - a. Yard signs can be configured in a "V-shape" or with two sides.

#### **Section 425.570 Sign Installation and Maintenance**

- A. Maintenance
  1. All signs and all components thereof, including without limitations supports, braces and anchors, shall be kept in a state of good repair.
  2. All signs and all components thereof shall be maintained so that faded and chipped paint is removed and replaced, so that sign faces containing unintended holes, breaks or missing parts are repaired and/or replaced.
- B. Abandonment
  1. If a sign advertises a business, service, community, accommodations, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 60 days

after such abandonment, be removed by the sign owner, owner of the property on which the sign is located, or other party having control over such sign.

#### C. Sign Shells

1. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting structural components, the owner of the sign or the owners of the property where the sign is located or other person having control over such sign shall, within 60 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining sign components.
2. This subsection shall not be construed to alter the effect of **Section 425.590, *Nonconforming Signs***, which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a legal, conforming sign.

#### D. Removal of Signs

1. Signs may be removed by the Police Department, Code Enforcement or other authorized officials of the City if:
  - a. Proper approval and permit from the City were not obtained prior to display;
  - b. Proper approval or permit has expired;
  - c. A temporary sign becomes unsightly;
  - d. The sign violates any provision of this Article; or
  - e. The sign constitutes a hazard to the public safety and welfare of the residents of the City of Lake Saint Louis or persons traveling on the public streets and roadways of the City.
2. Confiscated signs will be destroyed or otherwise properly disposed of 14 days from the date of confiscation.

### **Section 425.580 Comprehensive Sign Plan**

#### A. Purpose

1. The intent of a comprehensive sign plan is to facilitate the planning of cohesive signage for specific areas or developments that may be unique in character and design otherwise not compatible with the standard sign regulations. Through a comprehensive sign plan process, applicants set specific sign regulations that will govern the specific property(ies), which shall supersede the standard sign regulations for the City.
2. The intent of a comprehensive sign plan is not to allow more signage than necessary for visibility and readability, but to allow for a creative approach that is specific to the qualities and needs of a development.

#### B. Applicability

1. A comprehensive sign plan may be applied for in any zoning district for one or more parcels.
2. An approved comprehensive sign plan shall govern the properties under the plan and shall remain in effect over the properties until it is amended, replaced or voided.

**Commented [PN111]:** This is an optional process to approve site-specific signage requirements which may exceed the limits of the sign regulations.

3. Planned Unit Developments approved prior to the effective date of this Code which included sign plans and/or sign standards will be considered comprehensive sign plans and subject to the requirements of this Section.
- C. Procedure
1. Requests for a comprehensive sign plan shall follow the procedure for minor site plans (**Section 405.160**).
- D. Application Requirements
1. A site plan, depicting the proposed plan of development and illustration of proposed sign locations;
  2. Descriptions and drawings indicating size, qualities, materials and illumination; and
  3. A narrative description of the common theme for signage within the property, how it relates to architectural and/or landscaping elements of the development, and a description of any site features that necessitate the deviation from the standard sign regulations.
- E. Criteria for Review
1. Placement
    - a. All signs shall be placed where they are sufficiently visible and readable for their function.
    - b. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.
  2. Quantity
    - a. The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development sub-areas and business identification.
    - b. Factors to be considered shall include the size of the plan area, the number of buildings, and the division or integration of sign functions.
  3. Size
    - a. All signs shall be no larger than necessary for visibility and readability.
    - b. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences.
    - c. In no event shall a plan contain a sign which exceeds by more than 50 percent that of any maximum area standard specified in **Table 425.540.A, Summary of Permanent Sign Standards**, and **Table 425.540.B, Summary of Temporary Sign Standards**.
  4. Materials
    - a. Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign

structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography.

F. Amending, Replacing and Voiding

1. A request to amend, replace or void an existing approved comprehensive sign plan shall follow the same procedure as a new comprehensive sign plan.

**Section 425.590 Nonconforming Signs**

A. Continuation

1. Nonconforming signs may remain until they are required to be removed under the provisions of this Section.

B. Alterations

1. A nonconforming sign cannot be enlarged, expanded or otherwise improved except for the purpose of normal maintenance and incidental repairs.
2. The only alteration to a nonconforming sign that is permitted is a change in the sign face, the words or symbols used or the message displayed.
3. Any other alteration or change must be to bring the nonconforming sign into compliance with the regulations of this Code.

C. Maintenance, Repair and Reconstruction

1. Subject to the other provisions of this Article, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any 12 month period, 50 percent of the value of such sign.

D. Relocation

1. A nonconforming sign may not be moved to a new location on the same property or to a new location on a different property or replaced except to bring the sign into complete conformity with this Article.

**Article VIII General Performance Standards**

**Section 425.600 Purpose and Applicability**

- A. This Article is intended to protect public health and safety by requiring that all uses shall be construed, maintained and operated so as to not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dirt or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare.
- B. The standards of this Article shall apply to any new or existing use.
- C. If, at such time, the operations of any lawful existing use violate the standards of this Article, such violation shall be rectified immediately.

**Section 425.610 Enforcement**

- A. Whenever, in the opinion of the Community Development Director, there is a reasonable probability that any use of occupancy violates these standards, the Community Development Director is hereby authorized to employ a qualified technician or technicians to perform whatever investigations and analyses as are necessary to determine whether or not they are in fact being violated.

- B. In the event that a violation is found to exist, the violator shall be liable for the reasonable fee for retaining technicians to perform such investigations and analyses.
- C. Any violation of this Article shall hereby be considered as creating a public nuisance and therefore, in addition to the enforcement procedures specified in this Article, the regulations of the Municipal Code governing nuisances and any other applicable Sections of this Code shall apply.

**Section 425.620 Standards**

- A. In general, all properties shall:
  - 1. Not emit any smoke, dust, glare, noise, gases or other matter in such quantities as to be readily detectable at any point beyond the perimeter of the site.
  - 2. Not include the storage or maintenance of water or materials which attract or aid in the propagation of insects or rodents or create a health hazard.
  - 3. Provide or contract for the suppression, containment and cleanup of hazardous materials acceptable to the local Fire Department.
- B. Noise
  - 1. Every use shall be so operated that the pressure level of sound or noise generated, measured in decibels, shall not exceed, at any point on the lot line, the maximum decibel levels for the designated octave band as set forth in **Table 425.620.B, Maximum Permitted Decibel Levels**, below, for the appropriate area:

**Table 425.620.B Maximum Permitted Decibel Levels**

Octave Band Cycles per Second	Maximum Permitted Sound Pressure Level in Decibels Within or Adjacent to Residence Districts	Within All Other Areas
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
above 4,800	32	39

- C. Vibration
  - 1. A use shall be so operated that ground vibration inherently and recurrently generated is not perceptible without instruments at any point on the property line of the property on which the use is located.
- D. Dust, Dirt and Other Matter

1. Every use and site operation, such as construction or grading, shall be so operated as to prevent the emission into the air of dust, dirt, noxious acids, fumes, gases and other particulate matter, whatever its source, which may cause damage to property and health of persons at or beyond the lot line of the property on which the use is located.
  2. The air quality standards and air pollution control regulations consisting of Title 10, Division 10, Chapters 5 and 6 of the Missouri Code of State Regulations as adopted and promulgated by the Air Conservation Commission of the State of Missouri for the St. Louis Metropolitan Area shall apply.
- E. Smoke and Particulate Matter
1. No operation or use in the City of Lake Saint Louis shall cause, create or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the property are:
    - a. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the United States Bureau of Mines Information Circular 7118.
    - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in **subsection E.1.a** except that when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere, the standards in **subsections E.1.a and E.1.b** shall not apply.
    - c. The emission of particulate matter from all sources shall not exceed one-half pounds per acre of property within the plant site per any one hour.
    - d. Allowable open storage and open processing operations, including on-site transportation movements, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per one thousand 1,000 cubic feet of air.
    - e. Applicable standards and enforcement provisions contained in the Lake Saint Louis City Code covering "fire safety" shall apply.
    - f. Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.
    - g. Every use shall be so operated that there is no dangerous amount of radioactive emissions in accordance with the standards of the Federal Radiation Council.
    - h. Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line without instruments.

## Article IX Floodplain Management

### Section 425.630 Statutory Authorization

- A. The legislature of the State of Missouri has in Chapter 89, RSMo., delegated the responsibility to local governmental units to adopt floodplain management

regulations designed to protect the health, safety and general welfare. Therefore, the Board of Aldermen of the City of Lake Saint, Missouri, ordains as follows.

**Section 425.640 Findings of Fact**

- A. Flood Losses Resulting from Periodic Inundation
  - 1. The special flood hazard areas of the City of Lake Saint Louis, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. General Causes of the Flood Losses
  - 1. These flood losses are caused by:
    - a. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
    - b. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated or otherwise unprotected from flood damages.
- C. Methods Used to Analyze Flood Hazards
  - 1. The Flood Insurance Study (FIS) that is the basis of this Article uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
  - 2. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's Flood Insurance Study and illustrative materials for St. Charles County dated January 20, 2016, as amended, and any future revisions thereto.
  - 3. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
  - 4. Computation of a floodway required to convey this flood without increasing flood heights more than one foot at any point.
  - 5. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
  - 6. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines but still subject to inundation by the base flood.

**Section 425.650 Statement of Purpose**

- A. It is the purpose of this Article is to promote the public health, safety and general

welfare; to minimize those losses described in previous sections of this Article; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Article to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

#### **Section 425.660 Applicability**

- A. This Article shall apply to all lands within the jurisdiction of the City of Lake Saint Louis identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Maps (FIRMs) for St. Charles County on map panels 29183C0215G, 29183C0220G, and 29183C0240G, dated January 20, 2016, as amended, and any future revisions thereto.
- B. In all areas subject to this Article, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community.

#### **Section 425.670 Floodplain Administrator**

- A. The Chief Building Official is hereby designated as the Floodplain Administrator under this Article.
- B. Duties of the Floodplain Administrator shall include, but not be limited to:
  1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
  2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
  3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
  4. Issue floodplain development permits for all approved applications;
  5. Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

6. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished;
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed; and
9. When floodproofing techniques are utilized for a particular nonresidential structure, the Chief Building Official shall require certification from a registered professional engineer or architect.

#### **Section 425.680 General Provisions**

##### **A. Compliance**

1. No development located within the special flood hazard areas of this community shall be located extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.

##### **B. Abrogation and Greater Restrictions**

1. It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

##### **C. Interpretation**

1. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements, shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

##### **D. Warning and Disclaimer of Liability**

1. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Article shall not create a liability on the part of the City of Lake Saint Louis, any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.

##### **E. Severability**

1. If any Section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Article shall not be affected thereby.

### **Section 425.690 Floodplain Development Permit Required**

- A. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in **Section 425.660, *Applicability***. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- B. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
  - 1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed structure or work;
  - 2. Identify and describe the work to be covered by the floodplain development permit;
  - 3. Indicate the use or occupancy for which the proposed work is intended;
  - 4. Indicate the assessed value of the structure and the fair market value of the improvement;
  - 5. Specify whether development is located in designated flood fringe or floodway;
  - 6. Identify the existing base flood elevation and the elevation of the proposed development;
  - 7. Give such other information as reasonably may be required by the Chief Building Official;
  - 8. Be accompanied by plans and specifications for proposed construction; and
  - 9. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.
- C. The application shall be processed, reviewed, approved or denied in accordance **Section 405.190, *Floodplain Development Permit***.

### **Section 425.700 Provisions for Flood Hazard Reduction**

- A. General Standards
  - 1. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this subsection are satisfied.
  - 2. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Article. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
  - 3. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any unnumbered or

numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
  - a. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. Construction with materials resistant to flood damage;
  - c. Utilization of methods and practices that minimize flood damages;
  - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
    - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
    - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.
- B. Storage, Material and Equipment
  1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
  2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

#### **Section 425.710 Specific Standards**

- A. In all areas identified as numbered and unnumbered A Zones, AE and AH Zones, where base flood elevation data have been provided, as set forth in **Section 425.700, Provisions for Flood Hazard Reduction**, the following provisions are

required:

1. Residential Construction
  - a. New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three feet above base flood elevation.
2. Nonresidential Construction
  - a. New construction or substantial improvement of any commercial, industrial or other nonresidential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to three feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - b. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. All Construction
  - a. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
    - (2) The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### **Section 425.720 Manufactured Homes**

- A. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the community's FIRM on

sites:

1. Outside of manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;
  5. Be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to three feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of **subsection B**, be elevated so that either:
1. The lowest floor of the manufactured home is at three (3) feet above the base flood level; or
  2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

#### **Section 425.730 Floodway**

- A. Located within areas of special flood hazard established in **Section 425.660**, *Applicability*, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:
1. The City shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
  2. The City shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  3. If **subsection A.2** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **Section 425.700**, *Provisions for Flood Hazard Reduction*.
  4. In unnumbered A Zones, the City shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in **Section 425.700**, *Provisions for Flood Hazard Reduction*.

### **Section 425.740 Recreational Vehicles**

- A. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:
  - 1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
  - 2. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Article.
  - 3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

### **Section 425.750 Floodplain Management Appeal and Variance Procedures**

- A. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this Article.
- B. Appeals
  - 1. The Board of Adjustment shall hear and decide appeals in accordance with **Section 405.240**, *Appeal of Administrative Enforcement*, when it is alleged that there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Article.
  - 2. An applicant aggrieved or adversely affected by the decision of the Floodplain Administrator regarding the approval or denial of a floodplain development permit may appeal the decision to the Board of Adjustment in accordance with **Section 405.230**, *Appeal of Final Decision*.
- C. Variances
  - 1. Requests for variances from the floodplain management requirements of this Article shall be in accordance with **Section 405.230**, *Variance*.
  - 2. Variance Criteria
    - a. In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Article, and the following criteria:
      - (1) The danger to life and property due to flood damage;
      - (2) The danger that materials may be swept onto other lands to the injury of others;
      - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
      - (4) The importance of the services provided by the proposed facility to the community;
      - (5) The necessity to the facility of a waterfront location, where applicable;
      - (6) The availability of alternative locations, not subject to flood damage, for the proposed use;
      - (7) The compatibility of the proposed use with existing and anticipated development;
      - (8) The relationship of the proposed use to the comprehensive plan and

- floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
3. Conditions for Approving Variances
- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the criteria specified in **subsection C.2** have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State inventory of historic places or local inventory of historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation.
  - c. Variances shall not be issued within any designated floodway if any significant increase in flood discharge would result.
  - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - e. Variances shall only be issued upon:
    - (1) A showing of good and sufficient cause,
    - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - f. A community shall notify the applicant in writing over the signature of a community official that:
    - (1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
    - (2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Article.

#### **Section 425.760 Penalties for Violation**

- A. Any person who violates the provisions of this Article or fails to comply with any of its

requirements shall, upon conviction thereof, be fined not more than \$500 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

- B. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **Section 425.770 Amendments**

- A. The regulations, restrictions and boundaries set forth in this Article may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, in accordance with **Section 405.090**, *Text Amendments*.
- B. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Article are in compliance with the National Flood Insurance Program (NFIP) regulations.

### **Article X Riparian Corridors**

#### **Section 425.780 Purpose**

- A. The purpose of this Article is to establish minimal acceptable requirements for the design of vegetated buffers to protect the natural watercourses of all watersheds within the City of Lake Saint Louis which remain in their natural state; to protect the water quality of watercourses, reservoirs, lakes and other significant water resources within these watersheds; to protect riparian and aquatic ecosystems within these watersheds; to provide for the environmentally sound use of land and aquatic resources within these watersheds.

#### **Section 425.790 Scope of Application and Requirements**

- A. Applications
  - 1. This Article shall apply to all proposed development except for that development which meets waiver criteria as provided in this Article.
  - 2. This Article shall not apply to land used primarily for agricultural purposes.
- B. Requirements
  - 1. All natural watercourses depicted on the most current United States Geological Survey (U.S.G.S) 7.5 Minute Series (Topographic) Maps showing property within the corporate limits of the City shall be left in their natural state. For the purposes of this Article, Lake Saint Louis and Lake Saint Louise shall not be considered natural watercourses and therefore are not subject to the requirements of this Article.
  - 2. All natural watercourses left in their natural state shall be flanked with vegetated buffers meeting the requirements of this Article.
  - 3. Within such vegetated buffers, there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by **Section 425.820**, *Management and Maintenance of Vegetated Buffers*.

4. Development along natural watercourses which are left in their natural state shall have residential lot lines, commercial or industrial improvements, parking areas or driveways set back from the top of the existing stream bank or the 15-year, 20 minute water surface elevation where no established top of bank can be determined, all as provided by this Article.
5. In the case of subdivision plats, the watercourse and the above-mentioned setback area shall be preserved and made the responsibility of the subdivision trustees.
6. In the case of a site plan, commercial, industrial or private site, the watercourse and the above-mentioned setback area shall be preserved and made the responsibility of the property owner(s).
7. Permanent vegetation and existing ground elevation and grades within the above-mentioned setback area shall be left intact and undisturbed, except as permitted by this Article.

#### **Section 425.800 Plan Requirements**

- A. A vegetated buffer plan shall be submitted in conjunction with a grading plan for any development, and the vegetated buffer should be clearly delineated on the final grading plan.
- B. The vegetated buffer plan shall contain the following information:
  1. A location or vicinity map;
  2. Field-surveyed natural watercourses, which remain in their natural state;
  3. Field-surveyed vegetated buffers adjacent to natural watercourses, which remain in their natural state;
  4. Limits of the 100-year flood plain.
- C. Boundary markers locating the boundaries of vegetated buffers shall be installed prior to final approval of the required clearing and grading plan.

#### **Section 425.810 Minimum Standards for Vegetated Buffers**

- A. A vegetated buffer for a natural watercourse, which remains in its natural state, shall consist of a vegetated strip of land extending along both sides of a natural watercourse.
- B. The vegetated buffer shall begin at the edge of the bank of the natural watercourse.
- C. For those sites where vegetation does not exist, developers or owners shall allow the vegetated buffer to succeed naturally.
- D. The minimum width of the vegetated buffer shall be:
  1. 50 feet along the main branch of the Peruque Creek;
  2. 25 feet along all other natural watercourses left in its natural state.

#### **Section 425.820 Management and Maintenance of Vegetated Buffer**

- A. The vegetated buffer shall be managed to enhance and maximize its value and effectiveness. Management includes specific limitations on altering the natural conditions of the buffer. The following practices and activities are permitted only with

the express written approval of the Community Development Director or Public Works Director:

1. Clearing of existing vegetation;
  2. Soil disturbance by grading, stripping or other practices;
  3. Filling or dumping;
  4. Drainage by ditching, underdrains or other systems;
  5. Installation of detention/retention ponds.
- B. The following structures, practices and activities are permitted in the vegetated buffer, with specific design or maintenance features, subject to the review by the Community Development Director or Public Works Director:
1. Roads, bridges and utilities.
    - a. The right-of-way shall be the minimum width needed to allow for maintenance access and installation.
    - b. As closely as possible, the angle of the crossing shall be perpendicular to the natural watercourse or vegetated buffer in order to minimize clearing requirements.
    - c. Plats and site plans shall include only the minimum number possible of such crossings.
  2. Paths, including hard-surfaced trails.
- C. Buffer restoration projects approved by the Community Development Director or Public Works Director are permitted within the vegetated buffer.
- D. Water quality monitoring and stream gauging are permitted within the vegetated buffer.
- E. Individual trees within the vegetated buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the natural watercourse may be removed.
- F. Material dredged or removed during development authorized under this Section shall be stored outside the vegetated buffer.
- G. All plats, all improvement plans, and all site plans shall clearly:
1. Show the boundaries of any vegetated buffer on the subject property;
  2. Provide a note to reference any vegetated buffer stating: "THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS PERMITTED BY SECTION 425.820 OF THE MUNICIPAL CODE OF THE CITY OF LAKE SAINT LOUIS."

#### **Section 425.830 Waiver**

- A. The Community Development Director or Public Works Director may grant a waiver allowing the vegetated buffer to be disturbed only in cases of public purpose and necessity or only upon the Community Development Director's or Public Works Director's approval of designed streambank or site development erosion control measures.
- B. Appeal of waiver decisions shall be made to the Board of Adjustment in accordance with **Section 405.240**, *Appeal of Administrative Enforcement*.

## Chapter 430 Subdivision and Improvement Standards

### Article I Purpose and Organization

#### Section 430.000 Purpose

- A. This Chapter includes standards that regulate the physical layout and design of subdivisions within the City to ensure the protection of the health, welfare, safety, and quality of life. The purpose of this Chapter is to:
1. Establish standard requirements for the design of subdivisions;
  2. Provide for the orderly subdivision of land;
  3. Encourage the wise use and management of land and natural resources;
  4. Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
  5. Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets;
  6. Provide adequate utility systems to support the future needs of the system; and
  7. Promote efficient and logical placement of utility structures.

#### Section 430.010 Organization

- A. This Chapter is organized as follows:
1. **Article II, General Provisions**
  2. **Article III, Subdivision Standards**
  3. **Article IV, Property Owners Association and Trust Indentures**
  4. **Article V, Streets and Thoroughfares**
  5. **Article VI, Soil Preservation, Grading and Seeding**
  6. **Article VII, Drainage and Stormwater Control Standards**
  7. **Article VII, Utilities**
  8. **Article IX, Required Improvements and Guarantees**

#### Section 430.020 Applicability

- A. This Chapter shall apply to:
1. All subdivisions of land into two or more lots; and
  2. Developments that do not involve the subdivision of land if the Community Development Director or Public Works Director determines that the proposed development will create impacts similar to a subdivision of land.
- B. This Chapter shall not apply to:
1. Creation or realignment of an easement; and
  2. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional lots.

## Article II General Provisions

### Section 430.030 Conformance to Applicable Rules and Regulations

- A. All subdivision plats shall comply with the following laws, rules and regulations:
  - 1. All applicable provisions of the Missouri Statutes;
  - 2. This Code, Building Codes, and all other applicable laws;
  - 3. Any adopted polices and rules of the Public Works Director, and the Department of Natural Resources of the State of Missouri;
  - 4. The rules of the Missouri Highway and Transportation Department if the subdivision of any lot contained therein abuts a State highway; and
  - 5. The standards and regulations adopted by the Public Works Director and all Boards, Commissions, Departments, Agencies and Officials of the City adopted pursuant to any law or ordinance.
- B. Plat approval may be withheld if a subdivision is not in conformity with any of the above or the intent and purpose of this Code.
- C. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction and to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building or premises, and these remedies shall be in addition to the penalties described in **Section 100.210**, *General Penalty*.

### Section 430.040 Filing of Approved Record Plats

- A. General
  - 1. No record plat may be recorded with the St. Charles County Recorder of Deeds until the Community Development Director has either:
    - a. Certified that the proposed plat does not constitute a subdivision; or
    - b. Determined that the land division constitutes a subdivision and has been reviewed and approved in accordance with the applicable procedures in **Chapter 405**, *Administration and Procedures*; and
    - c. The public improvements have been installed or financially assured in accordance with **Article IX**, *Required improvements and Guarantees*.
  - 2. No owner, or agent of the owner, of any land located within the City, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the City and recorded with the St. Charles County Recorder of Deeds unless the owner or agent shall disclose in writing that such plat has not been approved by the City and the sale is contingent upon the approval of such plat by the City.
  - 3. Any person violating the provisions of **subsection A.2** shall forfeit and pay to the City a penalty not to exceed \$300 for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The City may enjoin or vacate the

transfer or sale or agreement by legal action, and may recover the penalty in such action.

4. The subdivision of any lot or any parcel of land by the use of metes and bounds description of the purpose of sale, transfer or lease shall not be permitted except if the subdivision results in the subdivision of two or more parcels of more than 10 acres each.

**B. Submission for Filing and Review**

1. Subsequent to approval of a record plat, one copy of the record plat in a form acceptable to the St. Charles County Recorder of Deeds, shall be submitted to the Community Development Director for final review.
2. The record plat shall be signed and notarized by all parties.
3. A check payable to the St. Charles County Recorder of Deeds in the amount of the current filing fee shall be provided.

**C. Signing Of Plat**

1. The Chairman of the Planning and Zoning Commission, Mayor, and the City Clerk shall endorse approval on the plat.

**D. Recording Of Plat**

1. It shall be the responsibility of the Community Development Director to file the plat with the St. Charles County Recorder of Deeds office within 30 days of the date of signature.
2. Simultaneously with the filing of the plat, the Community Development Director shall record any applicable agreements of dedication and trust indentures.
3. The plat may not be recorded until all required public improvements are installed or financially assured in accordance with **Article IX, Required Improvements and Guarantees**.

**Section 430.050 Issuance of Building Permits and Certificates of Occupancy**

- A. No building permit or certificate of occupancy shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of the regulations.
- B. No building permit shall be issued until the record plat is approved and recorded with the St. Charles County Recorder of Deeds, and the public improvements are installed or financially assured in accordance with **Article IX, Required Improvements and Guarantees**.
- C. No certificate of occupancy for any building in a subdivision shall be issued prior to the completion of all improvements and dedication of same to the City as required in the final approval of the subdivision plat and improvement plans.

**Section 430.060 Platted But Undeveloped Subdivisions**

- A. The City may approve or reject the development of platted subdivisions of land already recorded in the office of the St. Charles County Recorder of Deeds if such plats are entirely or partially undeveloped or deemed invalid.

- B. The subdivision shall be considered to be entirely or partially undeveloped if said plat was approved and recorded more than three years prior to granting of a building permit and the regulations for the zoning district governing the subdivision have changed since the plat was recorded.
- C. If said plat was properly recorded, then the platted subdivision shall be considered valid; however, development of the subdivision shall conform to the current zoning district regulations and not the regulations in place at the time of recording the plat.
- D. The subdivision shall be considered invalid if said plat was recorded with the St. Charles County Recorder of Deeds office without proper approval as required by this Code. Prior to any development of the subdivision, the plat shall go through the proper approval process to become valid.

**Section 430.070 Consumer Protection Legislation and Conflict of Interest Statutes.**

- A. The City shall not grant or issue any plat, subdivision or resubdivision approval, building permit or certificate of occupancy to any applicant if it has been determined by any court of competent jurisdiction or any official Federal, State, County or municipal agency or board that said applicant has violated, or is violating, any Federal, State, County or municipal law, ordinance or regulation pertaining to consumer protection for the sale of real estate or promotion for the sale of real estate or land development practices within the City.
- B. In the event a subdivision or resubdivision has been approved or a building permit or certificate of occupancy granted or issued prior to determination of a violation as set out in **subsection A** and said approval, permit or certificate shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall rights of intervention of innocent (3rd) third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- C. Any applicant shall be subject to the provisions as set forth in **subsection A** hereinabove if it can be shown that any shareholder, partner or officer of said applicant, either individually or through a partnership or corporate interest, is currently in violation of **subsection A** hereinabove set forth.
- D. Failure to complete subdivision improvements within the City, within a reasonable time, shall be deemed as prima facie evidence of being in violation of this Section of the development regulations and procedures. Any applicant or any shareholder, partner or officer of said applicant, either individually or through a partnership or corporate interest, in violation of this Section shall not have another application considered until the violations are corrected or the applicant receives written waivers from all parties who have an interest in the real estate involved, and the City shall be deemed to be an interested party for all parcels of real estate within the boundaries of the City of Lake Saint Louis.

## **Article III Subdivision Standards**

### **Section 430.080 Subdivision Name**

- A. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations.

### **Section 430.090 Surveyor's Monuments**

- A. The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by a registered land surveyor.
- B. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.
- C. The external boundaries of a subdivision shall be monumented in the field by surveyor's monuments of stone or concrete, not less than 30 inches in length, not less than four inches square or five inches in diameter and marked on top with a cross, brass plug, iron rod or other durable material securely embedded; or by iron rods or pipes at least 30 inches long and two inches in diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line. Said points shall be not less than 20 feet back from the bank of any river or stream, except that when such corners or points fall within a street or proposed future street, the monuments shall be placed in the side line of the street.
- D. All internal subdivision boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a body of water changes its radius and at all angle points in any line.
- E. The lines of lots that extend to a lake or stream shall be monumented in the field by iron pipes at least 30 inches long and seven-eighths inch in diameter or by round or square iron bars at least 30 inches long. These monuments shall be placed at the point of intersection of the lot line with a meander line established not less than 20 feet back from the bank of the lake or stream.
- F. All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost or erosion.

### **Section 430.100 Development of Unsuitable Land**

- A. Land which may be unsuitable for development (i.e., due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas) shall not be subdivided or developed unless adequate

methods are formulated by the applicant to solve the problems created by the unsuitable land conditions.

**Section 430.110 Plats Traversing Municipal Boundaries**

- A. Whenever access to the subdivision is required across land in an adjacent municipality or an unincorporated portion of St. Charles County, access shall be legally established and the access road shall be adequately improved or a performance bond duly executed and sufficient in amount to assure the construction of the access road.
- B. In general, lot lines should be laid out so as not to cross municipal boundary lines.

**Section 430.120 Self-Imposed Restrictions**

- A. If an owner places more stringent restrictions on land contained in a subdivision than those required by the City, such restrictions or reference thereto shall be required to be indicated on the record plat. Enforcement of more stringent restrictions on land shall be the sole responsibility of the property owner and/or property owners association.

**Section 430.130 Lots**

- A. Lot Arrangement
  - 1. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning regulations herein and health regulations.
- B. Lot Dimensions
  - 1. Lot dimensions shall comply with the minimum standard of the zoning district.
  - 2. The minimum lot width and minimum lot area for cul-de-sac lots may be increased to ensure adequate spacing between driveways, in accordance with the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
  - 3. Where lots are more than double the minimum required lot area for the zoning district, the City may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots in compliance with these regulations.
  - 4. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will result in a more desirable street or lot plat.
  - 5. Dimensions of corner lots shall be of such dimension to allow for erection of buildings, observing the minimum front yard setback from both streets.
  - 6. Depth and width of properties suitable for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated as established in the zoning regulations.

7. Double frontage and reversed frontage lots shall be avoided except where necessary to overcome specific disadvantages of topography or orientation. Where double frontage and reversed frontage lots are allowed, driveways are only permitted on one frontage.
  8. Flag lots and other irregularly shaped lots are discouraged.
- C. Buffers from Railroads and Major Streets
1. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway.
  2. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited".
- D. Where Future Resubdivision is Indicated
1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots having the potential for additional subdivision under the provisions herein, the City may require that such parcel of land provide for the future opening of streets or the ultimate extension of adjacent streets. Easements providing for the future opening and/or extension of such streets may be made a condition of plat approval. See also **Section 430.270**, *Future Extension of Streets*.

#### **Section 430.140 Blocks**

- A. The arrangement of blocks shall accommodate lots and building sites of the size and character required for the zoning district as set forth in this Code.
- B. The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.
- C. Blocks in residential subdivisions shall have sufficient width to provide for two rows of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways or subdivision property lines.
- D. Pedestrian ways or crosswalks, of not less than 10 feet of right-of-way, may be required through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.
- E. Blocks designed for industrial uses shall be of such length and width as may be determined suitable for prospective use.

#### **Section 430.150 Access**

- A. No subdivision shall be approved unless the area to be subdivided shall have access to and access from a City approved street; or
  1. An existing State or County, highway or road; or
  2. A street shown upon a plat recorded with the St. Charles County Recorder of Deeds. Such street shall be designed in accordance with the *Engineering and*

*Plan Preparation Manual for Public Facilities (Title V, Appendix A), and installed or financially assured in accordance with Article IX, Required improvements and Guarantees.*

3. Roads, streets or highways which provide access to, but are outside of, proposed subdivisions shall have adequate traffic volume capacity to accommodate the total trips to be generated by the subdivision when fully developed.
- B. Where a subdivision borders on or contains an existing or proposed primary arterial, the City may require that access to such streets be limited by one of the following means:
  1. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided to a subdivision lot directly from the primary arterial. Screening shall be provided in a buffer strip of land to be deeded to the City along the rear property line of such lots.
  2. A series of cul-de-sac, U-shaped streets or short loops entered from and designed generally to intersect at right angles to such streets.
  3. A secondary access or service road separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

## **Article IV Property Owners Association and Trust Indentures**

### **Section 430.160 Property Owners Association**

- A. In any case where the establishment of common ground (including pedestrian walkways and cul-de-sac islands), private streets, private street lighting, drainage facilities such as detention basins, drainage pipes, ditches, clubhouses, pools, tennis courts or any other improvement or amenity that requires continuous maintenance, trust indentures creating a Property Owners Association shall be recorded simultaneously with the record plat.
- B. The trust indentures shall provide for proper maintenance and supervision by the elected officers of the Property Owners Association who are selected to act in accordance with the terms of such indentures and the applicable provisions of this Code.
- C. For single lot developments and developments with no common ground, the Community Development Director may accept script certifying the means of maintenance on the record plat.
- D. Common ground shall be conveyed by the owner in fee simple absolute title by warranty deed to the Property Owners Association.
- E. The trust indentures shall provide that the common ground be for the benefit, use and enjoyment of the lot owners present and future. It shall be the responsibility of the elected officers of the Property Owners Association to maintain the common ground.
- F. No lot owner shall have the right to convey his/her interest in the common ground except as an incident of the ownership of a regularly platted lot.

#### **Section 430.170 Property Owners Association Trustees**

- A. Any trust indentures required to be recorded, shall provide for not less than the following representation to purchasers of developed lots among the Property Owners Association trustees:
  - 1. After 50 percent of the lots have been sold, one-third of the trustees shall be chosen by purchasers of developed lots;
  - 2. After 75 percent of the lots have been sold, two-thirds of the trustees shall be chosen by purchasers of developed lots;
  - 3. After all of the lots have been sold, all of the trustees shall be chosen by purchasers of developed lots.

#### **Section 430.180 Property Owners Association Use of Funds**

- A. The trust indentures shall provide that the subdivider/developer is prohibited from assessing lot owners or otherwise using Property Owners Association funds for items or matters that are not located within the bounds of the subdivision.
- B. The trust indentures shall also provide that the subdivider/developer is prohibited from assessing lot owners or otherwise using Property Owners Association funds for items or matters that are considered as improvements required of the subdivider/developer by the approved plat or plans. Such required improvements may include, but are not limited to, landscaping, subdivision entrance enhancements, recreation facilities and common ground parks and amenities, etc.
- C. The trust indentures shall provide for the annual reporting to the property owners and members of the Property Owners Association of all financial transactions made by, or on behalf of, the Property Owners Association. The financial and other records and meeting agenda and minutes will be open and available to any resident or property owner of the subdivision.

#### **Section 430.190 Establishing Trust Indentures**

- A. Each trust indenture shall be accompanied by a written legal opinion from an attorney licensed to practice in the State of Missouri, setting forth the attorney's legal opinion as to the legal form and effect of the deeds and trust indentures.
- B. The trust indentures shall be reviewed and approved by the Community Development Director and the City Attorney, prior to being filed with the Recorder of Deeds of St. Charles County and simultaneously with the recording of the record plat.
- C. The signing and recording of the trust indentures will follow the same procedures as filing an approved recorded plat as described in **Section 430.040, Filing of Approved Record Plats**.

#### **Section 430.200 Trust Indenture Terms**

- A. The term of any trust indentures recorded pursuant to these regulations shall be for the duration of the subdivision.
- B. In the event the subdivision is vacated, fee simple title of common ground will vest in the then lot or unit owners as tenants in common. The rights of the tenants shall only

be exercisable appurtenant to, and in conjunction with, their lot or unit ownership. Any conveyance or change of ownership of any lot or unit shall convey with it ownership in the common ground.

- C. No interest in the common ground shall be conveyed by a lot or unit owner except in conjunction with the sale of a lot or unit. The sale of any lot or unit shall carry with it all the incidents of ownership of the common ground whether or not expressly mentioned in the deed; provided however, that no right or power conferred upon the trustees shall be abrogated.

#### **Section 430.210 Trust Indenture Amendments**

- A. Amendments to trust indentures must be reviewed and approved by the Community Development Director and City Attorney, prior to being filed with the Recorder of Deeds of St. Charles County.
- B. The signing and recording of the amended trust indentures will follow the same procedures as filing an approved recorded plat as described in **Section 430.040, Filing of Approved Record Plats**.

#### **Section 430.220 Trust Indentures Content**

- A. Should the subdivider/developer be required to or choose to impose trust indentures on a parcel of property or subdivision within the City of Lake Saint Louis, the trust indentures should include, at a minimum, the following items and conditions:
  - 1. General Provisions
    - a. Definitions applicable to the land subdivision, the proposed development, and the responsibilities of both the subdivider/developer and the new property owner.
    - b. Applicable provisions from this Section establishing the trust indentures and terms.
    - c. General provisions identify other rights and restrictions that may be applicable to either the individual property owners or the Property Owners Association. These could include, but not be limited to:
      - (1) Enforcement of trust indentures
      - (2) Severability of trust indentures
      - (3) Amendments
      - (4) Utility easements
      - (5) Care and appearance of premises
      - (6) Garages
      - (7) Leases
      - (8) Noise
      - (9) Improvements
      - (10) Insurance
      - (11) Change of ownership
      - (12) Exterior planting
      - (13) Sidewalks

- (14) Repair, maintenance, and replacement
  - (15) Trash containers
  - (16) Trash pick-up
  - (17) Fines
2. Property Owners Association Provisions
- a. General
    - (1) Applicable provisions from this Section establishing Property Owners Associations and the terms.
    - (2) This section should establish association membership and voting rights of each individual lot owner and subdivider/developer of the project.
    - (3) This Section should identify the process by which the subdivider/developer will turn over complete ownership of, and responsibility for, all common ground, elements and amenities.
  - b. Property Rights
    - (1) This section should establish the rights of each individual lot owner as well as the Property Owners Association, which shall be organized to maintain all elements and amenities of the development owned collectively by the individual lot owners.
    - (2) This Section could also include details regarding fencing (if permitted in accordance with **Section 425.110, Fencing**), playground-type equipment and/or other structures that may be placed within the common elements.
  - c. Funding
    - (1) Association assessments and dues should detail how funding is determined for the maintenance and care of all common ground, elements and land in the development and the conditions under which both regular and special funding assessments are developed.
  - d. Maintenance Responsibilities
    - (1) This section shall identify and detail the responsibilities of both the Property Owners Association and individual lot owners of both the living units and common elements of the overall development.
  - e. Architectural Control
    - (1) This section identifies and details the type and material of such items as, but not necessarily limited to:
    - (2) Alterations, additions, changes and materials used within the development;
    - (3) Rules for dealing with requests for such items from the lot owners;
    - (4) Composition of any review board organized to address such requests;
    - (5) Fees (if any) for reviewing such requests;
    - (6) Fines for violations; and
    - (7) Requirement of City of Lake Saint Louis approval for any alterations, additions and/or changes, etc.
  - f. Use Restrictions

(1) This section shall identify the permitted type of dwelling unit allowed in the project as well as actions and/or items not permitted in the project. Such prohibitions could include, but not be limited to, the following subject matter:

- (a) Fences and pools
- (b) Commercial activities
- (c) Livestock other than house pets
- (d) Parking of motor vehicles, boats and trailers
- (e) Overhead wiring
- (f) Laundry poles
- (g) Antennas
- (h) Fuel tanks
- (i) Temporary structures
- (j) Signs
- (k) Drilling and quarrying
- (l) Dumping
- (m) Sewage disposal
- (n) Water supply
- (o) Organized sporting events
- (p) Patios
- (q) Driveways
- (r) Hot tubs, jacuzzi, etc.
- (s) Exterior faucets
- (t) Pets
- (u) Fireplaces
- (v) Firewood

## **Article V Streets and Thoroughfares**

### **Section 430.230 General**

- A. Roads shall be graded and improved and conform to the City of Lake Saint Louis street and highway construction standards and specifications and shall be approved as to design and specifications by the Public Works Director in accordance with the improvement plans required to be submitted prior to record plat approval.

### **Section 430.240 Street Names**

- A. To avoid duplication and confusion, the proposed names of all streets shall be approved by St. Charles County prior to preliminary plat approval and such names being assigned or used.
- B. A street which is or is planned as a continuation of an existing road shall bear the same name.
- C. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Public Works Director.

### **Section 430.250 Street Lights**

- A. Installation of street lights shall be required in accordance with design and specification standards included in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

### **Section 430.260 Street Arrangement and Connectivity**

- A. Street alignments shall conform to the maximum degree possible to the existing topography.
- B. Local roads shall be designed to:
  - 1. Discourage through traffic, except when creating a street network to distribute traffic across multiple roads as recommended by a traffic engineer to provide desired levels of service on roads;
  - 2. Permit efficient drainage and utility systems;
  - 3. Obtain as many as possible of the building sites at, or above, the grades of the streets. A combination of steep grades and curves shall be avoided; and
  - 4. Meet specific standards contained in this Article and the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
- C. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.
- D. Arterial streets shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.
- E. In commercial and industrial developments, street and other access ways shall be planned taking into consideration the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

### **Section 430.270 Future Extension of Streets**

- A. The arrangement of streets shall provide for the continuation of arterial, collector or local streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the adopted plans and policies of the City.
- B. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions.
- C. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary turn around shall be provided in accordance with the adopted Fire Code.
- D. See also **Section 430.130, Lots**.

### **Section 430.280 Dead-End Streets (Permanent)**

- A. A cul-de-sac turnaround shall be provided at the end of permanent dead-end streets in accordance with construction standards and specifications for streets herein for

convenience to traffic and effective access by emergency vehicles and first responders, except where acceptable alternative means of turnaround or access is provided, as determined by the Public Works Director following consultation with emergency service providers.

- B. The City may require dedication of appropriate right-of-way and/or the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities.

**Section 430.290 General Design Standards for Streets**

- A. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to emergency response vehicles, snow removal, sanitation, and street maintenance equipment and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the streets shall be designed in accordance with the standards outlined in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

**Section 430.300 Street Surfacing and Improvements**

- A. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced streets to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Public Works Director. Adequate provision shall be made for culverts, drains and bridges.
- B. All street pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the improvement plans required to be submitted by the developer for plat approval. See *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

**Section 430.310 Excess Right-Of-Way**

- A. Right-of-way widths in excess of the standards designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of 3-to-1 except where embankments in excess of this ratio are otherwise stabilized to the satisfaction of the Public Works Director.

**Section 430.320 Road Dedications and Reservations**

- A. Where a subdivision borders an existing street of substandard width or when plans adopted by the City, St. Charles County, or the Missouri Department of Transportation stipulate plans for the realignment or upgrading of a street that would require use of some of the land in the subdivision, the applicant shall, at the applicant's expense, be required to improve, dedicate, and/or reserve such areas for widening or realignment of such streets.

- B. Such streets shall be improved, dedicated, and/or reserved by the applicant at his/her own expense to the full width as required by these regulations.
- C. Land dedicated or reserved for any street purposes may not be counted in satisfying yard or area requirements.

## **Article VI Soil Preservation, Grading and Seeding**

### **Section 430.330 Soil Stabilization During Construction**

- A. Prior to issuance of a permit for lot or common improvements including streets and other public areas, the applicant shall submit an erosion and sediment control plan per **Chapter 540, *Erosion and Sedimentation Control Regulations***, and in accordance with regulations and standards found in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
- B. Sediment control elements shall be installed and implemented prior to commencement of the development process.
- C. Piles of dirt located on the development site shall be leveled within 60 days after excavation. Piles of dirt may remain longer with approval from the Public Works Director based on erosion and sediment control measures remaining in place.

### **Section 430.340 Soil Preservation and Final Grading**

- A. No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved grading plans.
- B. Each lot shall be covered with topsoil containing no particles over two inches in diameter except where the grade has not been changed or natural vegetation seriously damaged.
- C. Topsoil shall be stabilized by sod and planting or another method approved by the Public Works Director.
- D. Where inadequate natural vegetation exists or where it becomes necessary to remove existing natural vegetation, temporary vegetation or mulching should be installed promptly to minimize inevitable soil loss and to ensure that soil losses are kept within tolerable limits as prescribed in **Section 430.330, *Soil Stabilization During Construction***.

### **Section 430.350 Lot Drainage**

- A. Lots shall be laid out so as to provide positive drainage away from all buildings.
- B. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- C. Drainage shall be designed in accordance with regulations included in the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.

### **Section 430.360 Lawn-Grass Sod**

- A. All exposed earth except gardening beds shall be planted.

- B. No certificate of occupancy shall be issued until vegetation has been established, except in accordance with **Section 425.050, *Installation***.
- C. Sod may be used to comply with any requirement of seeding set forth herein.

**Section 430.370 Debris and Waste**

- A. The burying of organic matter, junk, and rubbish shall be prohibited. Other material such as rock fill may be placed with guidance from a qualified engineer.
- B. All trucks and other mobile construction equipment shall be cleaned on site and prior to leaving the site to prevent soil deposits on City streets.

**Section 430.380 Bank Stabilization**

- A. All existing and proposed subdivision lots and other water frontage shall be stabilized in accordance with adopted City standards.
- B. Existing subdivision lots not in conformance with City standards, shall have three years from adoption of the standards to comply.
- C. Penalty for non-compliance shall be in accordance with **Section 100.210** of the Municipal Code, *General Penalty*.

**Section 430.390 Safety Barrier**

- A. Subdivisions may be required to include safety barriers wherever a hazardous condition may exist.
- B. The safety barrier shall be constructed according to standards established by the Public Works Director.
- C. Safety barrier maintenance shall be the responsibility of the individual property owner unless otherwise provided for by subdivision covenants and restrictions.
- D. No certificate of occupancy shall be issued until said improvements have been installed.

**Article VII Drainage and Stormwater Control Standards**

**Section 430.400 Purpose**

- A. Two consequences of construction and development are the increased runoff created by the changed properties of the ground surface and the rate of discharge of this increased runoff. These are both of great relevance to stormwater management.
- B. The natural condition of the land before development is in relative balance with the natural capacity of the receiving creeks. Normally, the undeveloped conditions provide greater permeability and longer times of concentration.
- C. By modification of the ground surface from the irregular, pervious and vegetation-covered, the areas are changed to more impervious, more quickly drained and, in some cases, denuded of vegetation.
- D. It is the policy of the City to protect and promote the public health, safety and general welfare.
- E. The management of stormwater will reduce the erosion on land and creek channels, will reduce the possibility of damage to public and private property, will assist in the

attainment and maintenance of water quality standards and will preserve the environmental quality of the watercourses in the City.

**Section 430.410 Enforcement**

- A. This Article shall be managed and enforced by the Public Works Director.
- B. Any person who violates any provision of this Article and is found guilty in Municipal Court shall be subject to the penalties administered by the courts with a fine not to exceed \$500.

**Section 430.420 Permit Required**

- A. No person shall uncover, make any connection with or opening into, use, alter or disturb any public or private storm sewer, stormwater facility or stormwater structure without first obtaining a written permit from the Public Works Director.
- B. All plans for stormwater construction or alteration shall be approved by the Public Works Director prior to the beginning of any such work.
- C. A permit application form will be provided by the City and be made available through the Public Works Department.
- D. The permit application shall be supplemented by plans, specifications and other information as required in this Article or by the Public Works Director.
- E. A permit cannot be issued without the completed application form, permit fees and all the supplemental plans, specifications and other information as required.

**Section 430.430 Permit Fees and Guarantees**

- A. The permit fee for storm drainage facilities shall be set annually and maintained on the official fee schedule with the Public Works Department. This charge is not refundable.
- B. The provisions of **Article IX, *Required Improvements and Guarantees*** shall apply to any stormwater facility modification or construction.
- C. The Public Works Director shall establish the amount of the required financial guarantee, if any, required as part of the permit application.

**Section 430.440 Permit Procedure**

- A. Preliminary Construction Plans
  - 1. In advance of any planned storm sewer work, the owner of the site or his agent shall cause to have submitted preliminary construction plans on the project to the Public Works Director for review and comment.
- B. Final Construction Plans
  - 1. After approval of said preliminary plans, the owner or his agent shall submit final plans, specifications, calculations, all required additional information, a permit application form, all financial guarantees and the permit fee to the Public Works Director for approval.
- C. Staff Review
  - 1. These submitted materials will be reviewed for compliance with the ordinances and standards of the City.

2. Any and all errors or omissions on any part of the submitted material shall be corrected by the owner or the owner's agent prior to issuance of a permit for the work.
  3. The Public Works Director may impose such conditions or requirements upon the issuance of a permit as the Public Works Director deems necessary or proper to assure the safety of the public and faithful compliance with City ordinances and standards.
  4. All appropriate approvals from the United States Army Corps of Engineers and Missouri Department of Natural Resources must be acquired and submitted to the Public Works Director prior to issuance of a stormwater permit.
  5. Only after review and approval by the Director of Public Works of all the required documents as detailed in this Article and payment of all fees, financial guarantees, a permit will be issued for the proposed work.
- D. Additional Permits
1. A separate excavation permit will be required for any portion of the work within City rights-of-way.
- E. Permit Violations
1. If any action is taken that is inconsistent with a permit, or if any remedial action required by the City is not taken as directed, the Public Works Director may issue a stop-work order.
  2. The stop-work order shall direct all parties to cease and desist any or all portions of the work, except such work necessary to comply.
  3. If such stop-work order is ignored, the parties shall be in violation of this Chapter and shall be subject to the penalties contained herein.
- F. Permit Period of Validity
1. A permit issued under this Article shall expire one year from the date of issuance.
- G. Extensions
1. The Public Works Director may, for due cause shown, extend any permit for additional one year periods after complete review of all plans and examination of work accomplished and proposed.
  2. Requests for extensions shall be made at least 30 days prior to the expiration date of such permit. In no case shall permit be extended if the provisions of this Article have not been complied with.

### **Section 430.450 Standards**

- A. Intent
1. The purpose of this Section is to establish standards for maintenance of detention basins and stormwater management systems. Standards for maintenance will ensure that detention basins and stormwater management systems function properly after they are constructed.
  2. No developer, trustee or owner of property regulated by this Article shall permit stormwater to be collected or discharged in detention basins or stormwater management systems in any manner that injures the property of others.

3. Detention basins and stormwater management systems shall be maintained to a reasonable degree of maintenance.
  4. No modifications shall be made to any detention basins or stormwater management systems without a permit from the City.
- B. Aeration Requirements
1. When retention ponds are planned in a subdivision to control stormwater runoff, the developer shall provide a means of aerating or circulating the water in the retention ponds to minimize future water stagnation and the breeding of mosquitoes.
  2. The equipment installed to aerate or circulate the water shall be installed upon the completion of the retention pond, establishment of ground cover after rough grading, and prior to the release of erosion control and/or stormwater financial guarantees.
  3. The City shall approve the proposed method by the developer to aerate or circulate the water in the retention pond. Methods used to aerate or circulate the water in the retention ponds may include, but are not limited to, systems such as fountains, circulation or bubblers.
- C. Nature of Stormwater Facilities
1. Location
    - a. To carry away surface water that may exist either previously to, or as a result of, the subdivision.
    - b. Such drainage facilities shall be located in perpetual unobstructed easements of appropriate width.
  2. Effect on Downstream Drainage Areas.
    - a. Where it is anticipated that the additional runoff incident to the development of the subdivision will adversely impact an existing downstream drainage facility, the Planning and Zoning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.
    - b. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

### **Section 430.460 Maintenance and Inspection**

- A. Maintenance
1. The developer of a subdivision shall have responsibility for the maintenance of detention basins and stormwater management systems in the subdivision until such time as the construction financial guarantee for the development of the subdivision has been released.
  2. Prior to the release of the construction financial guarantee, the developer shall establish an indenture of trust for the subdivision.
  3. Upon release of the construction financial guarantee for the development of the subdivision, the responsibility for the maintenance of detention basins and

stormwater management systems in the subdivision shall vest in the trustees of the subdivision pursuant to the indenture of trust.

4. In absence of an enforceable or valid indenture of trust or trustees for a subdivision, responsibility for the maintenance of detention basins and stormwater management systems in the subdivision shall vest jointly and severally in the owners of property in the subdivision.
5. Single Lot Developments
  - a. The responsibility for maintenance of detention basins and stormwater management systems in a single-lot development shall vest jointly and severally in the developer and owner of the single-lot development until final inspection of the single-lot development is approved and an occupancy permit is issued.
  - b. Upon occupancy, responsibility for the maintenance of detention basins and stormwater management systems in a single-lot development shall vest in the owner of the single-lot development.
6. Unsafe Conditions
  - a. Causing any detention basin or stormwater management system to be a danger to the public health and safety because of any unsafe condition or because of any failure to provide a reasonable degree of maintenance shall constitute a violation of this Code. Each day on which any such condition is caused to exist shall be deemed a separate offense.
  - b. Any defendant charged with a violation of this Section shall be issued a summons directing an appearance before the Municipal Court of the City for purpose of adjudicating the violation. Any defendant found to violate this Section shall, upon conviction, be fined not more than five hundred dollars \$500 or imprisoned as determined by the Judge, or any combination of both, and pay court costs.
  - c. Nothing herein shall preclude the City from taking such other lawful action as is necessary to prevent or remedy any violation.

B. Inspection

1. The Public Works Director, or the Public Works Director's designee, shall inspect, or cause to be inspected, all detention basins and stormwater management systems in the City. Following any inspection, the Public Works Director shall determine the condition of any detention basin and stormwater management system and whether developers, trustees or owners provided a reasonable degree of maintenance to the same.
2. If a detention basin or stormwater management system is a danger to the public health and safety because of an unsafe condition or because one or more developers, trustees or owners failed to provide a reasonable degree of maintenance, such condition is hereby declared to be a nuisance. The Public Works Director shall take such action as may be necessary to protect the public health and safety, including requiring the abatement of any nuisances described herein under the procedures set forth in Sections **220.010** through **220.200**.

### **Section 430.470 Easements**

#### **A. General Requirements**

1. Where a subdivision is traversed by a watercourse drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose.

#### **B. Drainage Facilities**

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 15 feet in width shall be provided across property outside the road lines and with satisfactory access to the road.
2. The minimum width and location of the drainage easements may be modified by the Public Works Director upon consideration of the proposed width of lots in the subdivision, the overall subdivision drainage plan, and the minimum width needed for repair and service vehicle access.
3. Easements shall be indicated on the preliminary plat and improvement plans.
4. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
5. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the subdivision plat and detailed site plan.
6. The applicant shall dedicate to the City, either in fee simple or by drainage or conservation easement, land on both sides of existing streams and drainage areas to a distance to be determined by the City. Alternatively, the City may require drainage areas be established by subdivision indenture to be maintained in perpetuity by the subdivision property owners.
7. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Permanent structures shall not be allowed on such land or lands subject to periodic flooding.

### **Section 430.480 Variances**

- A. Where undue hardship results from compliance with this Article, a developer, trustee or owner of property may petition for a variance following the procedure outlined in **Section 405.230, *Variance***.
- B. The Board of Adjustment may approve a variance so that substantial justice may be done, and the public interest may be served, provided that any such variance shall not have the effect of nullifying the purposes of this Article and further provided that the Board of Adjustment shall not grant the variance unless it determines that:
  1. The granting of the variance will not be detrimental to the public health and safety or injurious to other property or improvements;

2. The conditions upon which the request for variance is based are unique to the property for which the variance is sought, are not applicable generally to other property and are not self-imposed; and
  3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the developer, trustee or owner would result, as distinguished from a mere inconvenience.
- C. In recommending a variance, the City may require such conditions as will secure substantially the objectives of the standards of this Article.
- D. A petition for a variance shall be submitted at the time of filing for a preliminary plat or for application for a building permit. The petition shall state fully the grounds for the request and all facts relied thereon.

## Article VIII Utilities

### Section 430.490 Public Water Supply

- A. Necessary action shall be taken by the applicant to obtain water for the purpose of providing water to the subdivision suitable for human consumption, normal residential, business and industrial uses, and fire protection.
- B. Where the public water supply main is reasonably accessible, the subdivision shall be provided with a complete water distribution system adequate to serve the needs of the area being platted or developed, including a connection for each lot and appropriately spaced fire hydrants.
- C. Individual water systems (wells) shall not be allowed on lots of less than three acres in area.
- D. The subdivider shall install adequate water facilities (including water hydrants) subject to the specifications of the City and the appropriate water company.
- E. Water main extensions shall be approved by the appropriate water company.
- F. The location of all fire hydrants, all water supply improvements and the boundary lines of the proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the construction financial guarantee provided by the developer.

**Commented [PN112]:** Currently wells are permitted on some lots if less than three acres in area. This change is consistent with other municipalities.

### Section 430.500 Fire Hydrants

- A. Fire hydrants shall be required for all subdivisions.
- B. Fire hydrant locations shall be approved by the applicable fire protection district.
- C. All underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements in the street right-of-way, shall be installed before any final paving of a street shown on the subdivision plat.

### Section 430.510 Private Wells

- A. Standards Adopted

1. The Missouri Private Well Construction Standards — Rules and Organizational Structure for Section 256.600, RSMo., is hereby adopted in its entirety. A copy of said document shall be on file in the office of the City Clerk.
- B. Other Standards
1. All private wells are to be constructed in accordance with Missouri Private Well Construction Standards and Missouri Public Drinking Water Regulations.
  2. All properties contained within the City operating on a private well at the time this Article is adopted will be grandfathered. The property owners will be permitted to complete maintenance and repair work on their well. Providing the use of the property and boundary limits do not change, a replacement well will be permitted. All new wells are to be constructed in accordance with Missouri Private Well Construction Standards.
  3. Every abandoned or contaminated well shall be sealed in accordance with the recommendations of the Missouri Department of Natural Resources groundwater geologist. For the purposes of this Section, the term “contaminated” shall mean any condition which is hazardous to the aquifer and thereby endangers neighboring property or people.
  4. Irrigation wells are permitted for the purpose of irrigating crops, lawns and recreational facilities such as golf course. Such wells are to be constructed to non-community water supply specifications, 10CSR 60-3.010 of the Missouri Public Drinking Water Regulations.

**Section 430.520 Sanitary Sewers**

- A. The applicant or its successors shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications.
- B. All parcels of land improved for human occupancy in the City of Lake Saint Louis, after the date of adoption of this code, shall be required to connect to the area public sewer system.
- C. On-site sanitary sewer package plants are prohibited within the corporate limits.

**Section 430.530 Other Utilities**

- A. All utility facilities including, but not limited to, gas, electric cables and telephone cables shall be located underground throughout the subdivision.
- B. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat.
- C. Underground service connections to each platted lot shall be installed at the developer's expense.
- D. The requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

**Section 430.540 Easements**

- A. Easements at least 15 feet in width shall be provided for utilities (private and municipal). Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements.
- B. Where topographical or other conditions are such as to make impractical the inclusion of utilities along rear lot lines, perpetual unobstructed easements shall be provided alongside lot lines with satisfactory access to the road or rear lot lines, in accordance with the following:
  - 1. Lots wider than 50 feet shall provide 7.5 foot or wider easements creating a 15-foot or wider utility easement corridor along all side yards.
  - 2. Lots 50 feet or less in width shall provide easements on one side yard in a manner that creates a minimum 15-foot utility corridor at every other side yard.
  - 3. Corner lots shall provide 15-foot or wider utility easement corridors along both sides of the lot.

**Article IX Required Improvements and Guarantees**

**Commented [PN113]:** The verbiage in this Article is similar to other municipalities. No substantive changes to existing standards are proposed.

**Section 430.550 Improvement Plans**

- A. It shall be the responsibility of the developer to have an engineer registered in the State of Missouri prepare a complete set of engineering plans in accordance with all applicable City codes for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat and/or site plan.
- B. All plans and supporting engineering reports for improvements required by this Article shall be reviewed and approved in accordance with **Section 405.180, Improvement Plans.**

**Section 430.560 Improvements Required**

- A. Developers are responsible (both physically and financially) for the installation of the following subdivision improvements in accordance with the standards of this Code in addition to any federal, state or local standards:
  - 1. Monuments
  - 2. Sidewalks
  - 3. Utilities
  - 4. Fire hydrants
  - 5. Erosion control measures
  - 6. Streets
  - 7. Street lights
  - 8. Topsoil, landscaping and screening
  - 9. Traffic control signs and markings
  - 10. Easements
  - 11. Any other subdivision improvements required as a condition of plat approval
- B. Required improvements shall be installed within the improvement completion period approved by the Public Works Director, which shall not exceed two years, unless an

extension is granted pursuant to **Section 430.630, Release of Construction Financial Guarantees.**

**Section 430.570 Inspections and Fees**

**A. Inspections**

1. The Public Works Director shall inspect each category of improvement or utility work within 20 business days after a request for such inspection has been filed with the Public Works Director by the developer, and no inspection shall be required until such request is received by the Public Works Director. For purposes of this Article, an inspection request shall constitute and occur only on a completed written request on a form that shall include:
  - a. The category of improvement reflected in the financial guarantee agreement that is requested to be inspected; and
  - b. A verified statement from the representative officer of the developer attesting that the information in the inspection request is true and accurate.
2. Nothing herein shall preclude the Public Works Director from completing additional inspections at his/her discretion or as a courtesy to the developer.

**B. Inspection Fees**

1. The inspection fees listed in **Table 430.570.B, Inspection Fees** are required for all projects subject to this Article and shall be paid in full prior to the recording of the subdivision plat, the issuance of any permits, and the performance of any inspections:

**Table 430.570.B Inspection Fees**

Estimated Cost of Improvements	Inspection Fees
Less than \$1,000,000	3% of the estimated cost of improvements
\$1,000,000 to \$4,000,000	\$30,000 + 2% of the estimated cost of improvements above \$1,000,000
\$4,000,000 to \$6,000,000	\$90,000 + 1% of the estimated cost of improvements above \$4,000,000
Greater than \$6,000,000	Negotiable

**Section 430.580 Completion of Improvements**

- A. After the improvement plans have been approved and all inspection fees paid, but before the record plat is approved by the City for recording, the developer must complete or guarantee the completion of required improvements and guarantee maintenance of such improvements. Except as expressly provided in **subsection B**, the developer must either:
1. Complete the required improvements in accordance with the approved improvements plans and provide a maintenance agreement and maintenance financial guarantee; or

2. Establish a construction financial guarantee and a separate maintenance financial guarantee.
- B. No financial guarantee is required with the City for water, gas, electric or sanitary sewers required by another political subdivision of this State if such political subdivision confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any existing guarantee, escrow or renewal, extension or replacement thereof.
- C. The Public Works Director may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.

#### **Section 430.590 Financial Guarantee Options**

- A. Required construction financial guarantees and maintenance financial guarantees may be in the form of cash, letter of credit or surety bond. A financial guarantee agreement in accordance with **Section 430.610, *Financial Guarantee Agreements***, must be provided with each financial guarantee.
- B. Cash Deposits
  1. Interest on cash deposits will accrue to the City to offset administrative and other costs of maintaining the cash deposits.
- C. Letters of Credit
  1. Letters of credit must be in the form of an irrevocable letter of credit drawn on a local financial institution, in a form approved by the City Attorney.
  2. The instrument may not be drawn on any financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the developer.
  3. A letter of credit must provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the developer's improvement and maintenance obligations and may be reduced from time to time in writing upon direction of the Community Development Director.
  4. A letter of credit must be irrevocable for least one year, provide for automatic renewal and no termination without notice to the City.
- D. Surety Bond
  1. Surety bonds must be issued by one of the top three rated surety bond carriers (as rated by A.M. Best and Company), in a form approved by the City Attorney.
  2. Surety bonds must be payable at a local financial institution, with a final expiration date of not less than six months after the initial period allowed for completion of the required improvements.
  3. Surety bonds must be drawn in favor of the City and guarantee to the City the unlimited availability, from time to time upon demand, of the balance under the financial guarantee agreement to guarantee the improvement and maintenance obligations of the developer.

**Section 430.600 Amount of Financial Guarantees**

- A. The amount of a required construction financial guarantee must be at least equal to 110 percent of the City's estimate of the cost of the construction, completion and installation of required improvements.
- B. The amount of a required maintenance financial guarantee must be at least equal to 10 percent of the City's estimate of the cost of the construction, completion and installation of required improvements.
- C. If improvements are required to be installed before recording of the record plat, the construction financial guarantee amount must be reduced by the estimated cost of already-installed improvements.

**Section 430.610 Financial Guarantee Agreements**

- A. A financial guarantee agreement must be provided with each construction and maintenance financial guarantee.
- B. The financial guarantee agreements shall be entered into with the City, shall require the developer to agree to fulfill the obligations imposed by this Article and shall have such other terms as the City Attorney may require consistent with this Article.
- C. The financial guarantee agreements shall be approved by the Board of Aldermen by ordinance. At the discretion of the Public Works Director or the Community Development Director, permits may be issued prior to ordinance approval upon receipt of a signed financial guarantee agreement, financial guarantee, and inspection fees.

**Section 430.620 Acceptance of Dedication Offers**

- A. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by ordinance of the Board of Aldermen. The approval of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any street, easement or park shown on said plat.

**Section 430.630 Release of Construction Financial Guarantees**

- A. Authority
  - 1. The Public Works Director or the Community Development Director may authorize release or reduction of required construction financial guarantees. Such releases or reductions may be authorized only upon completion, inspection and approval of required improvements by the Public Works Director.
- B. Extension of completion period
  - 1. If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the Public Works Director or the Community Development Director may grant an extension to the improvement completion period for a period of up to two years
  - 2. In order to grant the extension, the Public Works Director or the Community Development Director must determine that the extension is necessary to facilitate

adequate and coordinated provision of transportation, sanitary sewer, playgrounds, or other improvements, facilities or requirements.

3. In the event of an extension, financial guarantees must be extended and approved by the Public Works Director or the Community Development Director.
4. The City may require as a condition of the extension, execution of a new agreement, recalculation of financial guarantee amounts, or satisfaction of new development ordinance requirements or other reasonable conditions.

C. Financial Guarantee Release Procedure

1. After completion of any component of the required improvements, the City shall release the original construction financial guarantee in accordance with Section 89.410, RSMo., as amended.
2. The City is authorized to establish the improvement categories, which may consist of improvement components or line items to be utilized for calculation of financial guarantee amounts, but such categories, components, and line items that in no way modify or reduce the developer's guarantee as to all required improvements, irrespective of any release or completion of any category, or underlying component or line item.
3. All improvements in a category may be deemed complete only when:
  - a. Each and every component and line item within a category for the entire subdivision has been constructed and completed as required;
  - b. The developer has notified the City in writing of the completion of all components of the category, provided all necessary or requested documentation, and requests an inspection;
  - c. The developer is not in default or in breach of any obligation to the City under this section including, but not limited to, the City's demand for maintenance or for deposit of additional sums for the subdivision; and
  - d. The inspection has been completed and the results of the inspection have been approved in writing by the Public Works Director.

D. Effect of Release

1. After release of the construction financial guarantee, the developer will continue to be responsible for defects, deficiencies and damage to public streets and other required improvements during development of the subdivision.
2. Inspection and approval of any or all required improvements does not constitute acceptance of the improvement by the City as a public improvement for which the City bears any responsibility.

E. Final Construction Financial Guarantee Release

1. Upon final inspection and approval of all required improvements, as determined by the Public Works Director or the Community Development Director, the remaining amount of the construction financial guarantee must be released.

**Section 430.640 Maintenance Guarantees**

A. Scope

1. Upon commencement of installation of the improvements within the subject subdivision, the developer is responsible for maintenance of those improvements including those on undeveloped lots and landscaping in common areas. This maintenance shall include:
  - a. Repair or replacement of all defects, deficiencies and damage to improvements that may exist or arise;
  - b. Abatement of nuisances caused by improvements;
  - c. Removal of mud and debris from construction sites and streets;
  - d. Erosion control;
  - e. Grass cutting and replacement of dead and damaged landscaping; and
  - f. Removal of construction debris from building lots and common/open space tracts.
- B. Duration
  1. Maintenance guarantees must remain in place until occupancy permits have been issued on 80 percent of all of the lots in the subdivision.
  2. The maintenance obligation for improvements to existing public streets or other existing public infrastructure already maintained by a governmental entity terminate after the date that such improvements have been accepted.
  3. The developer's street de-icing and snow removal obligations terminate on the date that the subject street is accepted for public maintenance.
- C. Amount and Use
  1. Maintenance financial guarantees will be retained by the City to guarantee maintenance of required improvements.
  2. Maintenance financial guarantees may be used, by order of the Public Works Director or Community Development Director, to defray or reimburse any costs to the City of maintenance or repair of improvements related to the subdivision that the developer fails or refuses to perform. Such costs include off-site damage caused by deficiencies in the improvements or failure of maintenance.
  3. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the Public Works or Community Development Director must provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City.
  4. The Public Works Director and Community Development Director have authority to require the maintenance financial guarantee to be replaced or replenished by the developer in any form permitted for an original financial guarantee where the amount remaining is determined to be insufficient or where the maintenance financial guarantee was drawn upon by the City for maintenance.
  5. In determining the amount of maintenance financial guarantee to be held, portions of the financial guarantee amount that were attributable to improvement that have been accepted by any third-party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by the entity. The Public Works or Community Development Director may approve such further releases if they determine, after

inspection of the improvements, that the total maintenance amount retained exceeds the amount necessary for completion of the maintenance obligation, after all reasonable contingencies are considered.

- D. Final Maintenance Financial Guarantee Release
  - 1. Upon expiration of the developer's maintenance obligations, the Public Works Director must perform a final inspection of the required improvements. Funds must then be released if there are no defects or deficiencies found and all other obligations are shown to be satisfied during the inspection, or at such time as any defects or deficiencies are cured with the permission of, and within the time allowed by, the Public Works Director. This release does not constitute indemnification or release of any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any financial guarantee have been released.

#### **Section 430.650 Failure to Complete Improvements**

- A. The obligation of the developer to construct, complete, install and maintain improvements shown on the approved engineering plans and provide continuing street maintenance does not cease until the developer is officially released from such obligations by the City.
- B. No financial guarantees, agreements or obligations may be assigned by the developer without the express written approval of the City, in a form approved by the City Attorney.
- C. If, after the improvement completion period and any extensions granted, the improvements indicated on the approved engineering plans are not constructed, completed, installed, accepted and maintained as required, or if the developer violates any provision of the financial guarantee agreement, the Public Works Director or Community Development Director may notify the developer to show cause, within 10 days, why the developer should not be declared in default.
- D. Unless good cause is determined to exist by the Public Works Director or Community Development Director, no building or other permit may be issued to the developer in the subdivision during any period in which the developer is in violation of the financial guarantee agreement or City Code relating to the subdivision.
- E. If the developer fails to cure any default or present compelling reason why no default should be declared, the Public Works Director or Community Development Director must declare the developer in default and take any one or more of the following actions:
  - 1. Deem the balance under the financial guarantee agreement forfeited to the City, in which case the funds will be placed in an appropriate account subject to the order of the Public Works Director or the Community Development Director for the purpose of letting contracts to bring about the completion or maintenance of the improvements indicated on the approved engineering plans or other appropriate purposes in the interest of the public safety, health and welfare;
  - 2. Require the developer or surety to pay to the City the balance of the surety; or

3. Require the developer to submit an additional cash sum sufficient to guarantee the completion or maintenance of the improvements indicated on the approved engineering plans after recalculation in order to allow for any inflated or increased costs of constructing or maintaining the improvements.
- F. The failure of a developer to complete the improvement obligations within the time provided by the agreement (or any extension granted by the City), and including the payment of funds to the City due to such failure or an expiration of a letter of credit, will be deemed an automatic act of default entitling the City to all available remedies without further or prior notice.
- G. It is the developer's sole responsibility to request an extension of any financial guarantee agreement if the improvements are not completed in the original time period provided by the financial guarantee agreement. No right to extension exists or should be assumed.

#### **Section 430.660 Other Remedies for Default**

##### **A. Applicability**

1. The other remedies provided in this Section may be used if:
  - a. The developer or surety fails to comply with the Public Works Director's or Community Development Director's requirements for payment; or
  - b. The developer fails to complete the improvements as required; or
  - c. The developer otherwise violates the financial guarantee agreement provisions; or
  - d. There is a risk that development will continue in the subdivision without the timely completion of improvements or compliance with financial guarantee agreement provisions.

##### **B. Available Remedies**

1. The following "other remedies" are authorized:
  - a. The Public Works Director or Community Development Director may suspend the right of anyone to build or construct on the undeveloped portion of the subdivision.
    - (1) For the purpose of this provision, the undeveloped portion of the subdivision means all lots other than lots that have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy.
    - (2) The Public Works Director or Community Development Director must give the developer at least 10 days written notice of an order under this subsection, with copies to all sureties who have outstanding obligations for any undeveloped portion of the subdivision.
    - (3) If, within the 10-day period after notice is given, the Public Works Director or Community Development Director determines that completion of the improvements and maintenance of streets has not been adequately assured, they may order construction suspended on the undeveloped portion of the subdivision.

- (4) The order must be served on the developer, with a copy to the issuer of the surety, and a copy recorded with the County Recorder of Deeds. Public notice of the order must be conspicuously and prominently posted by the Public Works Director or Community Development Director at the subdivisions or lots subject to the order. No City official may authorize construction to take place contrary to the order.
  - (5) The suspension may be rescinded in whole or in part only when the Public Works Director or Community Development Director is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance provided.
- b. The Public Works Director or Community Development Director may suspend the rights of the developer, or any related entity, to construct structures in any development platted after the effective date of the suspension throughout the City's jurisdiction.
- (1) The Public Works Director or Community Development Director must give the developer at least 10 days written notice of an order under this clause, with a copy to sureties known to have obligations outstanding on behalf of the developer or related entities.
  - (2) Public Works Director or Community Development Director must record an affidavit of the notice with the County Recorder of Deeds.
  - (3) If, within the 10-day period after notice is given, the Public Works Director or Community Development Director determines that completion of the improvements and maintenance of streets has not been adequately assured, they may order construction suspended.
  - (4) The order must be served upon the developer, with a copy to the surety, and a copy recorded with the County Recorder of Deeds. No City official may authorize construction to take place contrary to the order.
  - (5) The suspension may be rescinded in whole or in part only when the Public Works Director or Community Development Director is convinced that completion of the improvements is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance provided.

C. Related Entities

1. For purposes of this section, a developer is a "related entity" of another person:
  - a. If either has a principal or controlling interest in the other; or
  - b. If any person, firm, corporation, association, partnership, or other entity with a controlling interest in one has a principal or controlling interest in the other.
2. The identification of related entities must be supported by documentation from the Secretary of State's Office, for the State of Missouri.

## **Article X Parks, Playgrounds and Recreation Areas**

### **Section 430.670 Applicability**

- A. The provisions of this Article shall apply to new residential development, including the residential component of mixed-use development.

### **Section 430.680 Park Land Principles and Standards**

- A. It is the policy of the City to develop park and recreational facilities which comply with the following standards and planning principles:
  1. The minimum amount of park land to be provided City residents shall be seven acres for every 1,000 residents.
  2. Both public and private park lands should be suitable in location, topography, and environmental characteristics to afford residents a maximum opportunity to use such amenities.
  3. Hiking, walking and bicycle trails should be developed to connect public park and facilities.
  4. Park land sites should drain well; however, land located in flood plains is acceptable for recreational purposes.
  5. Park land sites should contain large areas with slopes of no more than five percent.
  6. Ponds of water at least one acre in size may be counted as park land when the pond can be used for recreational activities such as fishing or boating.
  7. Stormwater dry detention basins may be located in recreational areas; however, to receive credit as recreational space, the basin must be a grassy area which can be easily mowed and maintained.

### **Section 430.690 Requirements for Park Land Dedication**

- A. The applicant shall be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development or to make a payment in lieu of actual land dedication or a combination of both at the option of the City.
- B. The Board of Aldermen, upon recommendation of the Planning and Zoning Commission, will determine the nature and manner in which the City's park land requirements shall be satisfied.
- C. The City may choose to have sites dedicated to the City or to a private entity established for the purpose of providing and maintaining community or neighborhood not-for-profit amenities.
- D. Articles of agreement which provide for the maintenance of such sites must be approved by the City and must be recorded with the record plat, with a notation on the plat referring to the existence of any such documents.
- E. All lands dedicated shall be free of any liens or encumbrances.

**Section 430.700 Park Land Dedication Formula**

- A. Park land shall be dedicated at a ratio of seven acres per 1,000 residents (0.007 acres per resident) of the proposed development, using the following formula: Park Land Dedication = Ultimate Population X 0.007
- B. **Table 430.700**, *Average Household Sizes by Types of Dwelling Units*, shall be used to determine the ultimate population of a proposed development for purposes of determining the amount of park land each development will be required to provide.
- C. In the event an applicant files a written objection to **Table 430.700**, the applicant shall submit a demographic study to support the applicant’s population projection. Said demographic studies must contain data which can be empirically verified and not based on national surveys or theoretical models.

**Table 430.700: Average Household Sizes by Types of Dwelling Units**

Type of Unit	Average Household Size
<b>Detached House</b>	
<i>2 Bedroom</i>	2.409
<i>3 Bedroom</i>	3.451
<i>4 Bedroom</i>	4.435
<i>5 Bedroom</i>	5.067
<i>Unknown</i>	3.709
<b>Duplex and Townhouse</b>	
<i>1 Bedroom</i>	1.901
<i>2 Bedroom</i>	2.119
<i>3 Bedroom</i>	3.056
<i>Unknown</i>	2.719
<b>Multi-Unit</b>	
<i>1 Bedroom</i>	1.362
<i>2 Bedroom</i>	2.148
<i>3 Bedroom</i>	3.482
<i>Unknown</i>	1.901

**Section 430.710 Credit for Private Park Land**

- A. Generally
  - 1. Depending upon the size of the development and the nature of the recreational facilities to be provided, the City may allow "private" park land in lieu of dedicated "public" park land.
  - 2. The amount of credit shall be determined on a case-by-case basis by the Board of Aldermen based on the projected recreational needs of the project's residences and in conformance with the park land policies and standards as provided in the City's park and recreation and comprehensive plans.
  - 3. Detailed plans of such areas, including specifications of facilities to be installed, may be required by the Board of Aldermen.

4. The applicant shall guarantee that private recreational areas will be permanently maintained for such use by the execution of the appropriate legal documents.
- B. Credit
1. Up to 50 percent of the total park land dedication requirements of a subdivision or development may be satisfied by the establishment and improvement of private recreational amenities.
  2. The remaining 50 percent of the total park land dedication requirements may be satisfied through any combination of park land dedication in accordance with **Section 430.700** or payment in lieu of park land dedication in accordance with **Section 430.720**.
- C. Private park land shall meet the following standards:
1. Yards, ditches, setbacks, courtyard areas, rights-of-way and other open areas are not included in the computations of such park land; and
  2. The maintenance of said private park land is adequately provided for by a recorded written agreement, conveyance or deed restriction; and
  3. The private park is restricted for recreational purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the City; and
  4. The proposed park land is reasonably suited for recreational purposes; and
  5. The facilities proposed are in substantial accordance with the City's long-range park and recreational plans and policies.

#### **Section 430.720 Payment In Lieu Of Park Land Dedication**

- A. Generally
1. Where a subdivision or development is too small to include an adequate park site, or when the available land is inappropriate for recreational uses, or when the City determines that the recreational needs of the residents of a proposed development would be better served through the development of land outside of a proposed project boundary, the City shall require the applicant to pay a fee in lieu of the park land dedication requirement.
- B. Calculation
1. The payment in lieu of park land dedication shall be equal to one of the following:
    - a. \$900 per detached house, duplex, or townhouse lot/dwelling unit; and \$700 per multi-unit dwelling unit; or,
    - b. The fair market value of land that otherwise would have been dedicated as park land less any land that otherwise would have been dedicated as park land less any land the applicant is given credit for pursuant to **Section 430.710, Credit for Private Park Land**.
      - (1) The applicant shall submit a fair market value appraisal, prepared by an MAI appraiser, which indicates the projected improved per acre value of land within the proposed project.

(2) The "improved value" shall mean the average per acre value of all land within a project following the completion of all required subdivision or development improvements, such as streets, platting and utilities.

2. Where public improvements to publicly dedicated land are provided by an applicant, the City may grant a credit to the required payment in lieu of park land contribution. The Board of Aldermen shall determine the actual monetary value of such improvements and may determine that as much as 100 percent of the value of the improvements may be counted as a credit against the total dollar value of a project's park land contributions. The following illustrates this formula: Final Amount of Money in Lieu of Land = (Total Park Land Required - Total Park Land Dedicated, either Public or Private) (Fair Market Value) - Value of the Improvements to Public Land.

C. Payment

1. Payment in lieu of park land dedication shall be required as a condition of the project's approval and shall be made prior to the issuance of a building permit or filing of the record plat, whichever occurs first.
2. Such payment shall be held by the City in a special fund and dispersed for the acquisition and development of a park land for the benefit of the future residents of such subdivisions and developments.

**Section 430.730 Public Uses**

A. Generally

1. Whenever a tract to be subdivided includes a school, recreation uses (in excess of the requirements of this Article) or other public use as proposed in a City policy or plan, such space shall be suitably incorporated by the applicant into the preliminary plat.
2. After proper determination of its necessity by the Board of Aldermen, the City and/or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and record plats.

B. Referral to Public Body

1. The City shall refer the preliminary plat to the public body concerned with acquisition for its consideration and report.
2. The City may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply.
3. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

C. Notice Of Property Owner

1. Upon a receipt of an affirmative report, the City shall notify the property owner and shall designate on the preliminary and record plats that area proposed to be acquired by the public body.

D. Duration of Land Reservation

1. Land reserved for public use on an approved record plat shall be acquired by the appropriate public body within three years of the date of filing of the record plat.
2. Upon expiration of the designated purchase period, the applicant may remove the "reserved" designation by filing an amended plat for the site to be reviewed and acted upon in accordance with the provisions of this Code.

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## Appendix

### History Table

This table documents the historical evolution of this Code to enable users to quickly identify text amendments that have been adopted by the Board of Aldermen over time. Refer to the City website for any text amendments adopted after the latest publication date that are not yet incorporated into this Code.

Amendment Number	Ordinance Number	Application Number	Date Adopted	Code Section(s) Affected	Summary of Changes