

Section 1 - General

1.1 - Purpose and scope of ~~zoning regulations~~Unified Development Ordinance.

1.1.1 - General: For the purpose of promoting health, safety, morals or the general welfare of the community, the City of Sunset Hills ~~zoning ordinance~~Unified Development Ordinance, in accordance with the Revised Statutes of Missouri, provides for the following:

- 1) To regulate and restrict the height, number of stories, and size of buildings and other structures;
- 2) To regulate and restrict the percentage of lot that may be occupied;
- 3) To regulate and restrict the size of yards, courts, and other open spaces;
- 4) To regulate and restrict the density of population;
- 5) To regulate and restrict the location and use of buildings, structures and land for trade, industry, residence, or other purpose; and
- 6) To establish other regulations of land use and development that is consistent with the statutory authority afforded to the City of Sunset Hills so as to promote the public health, safety, morals, and general welfare of the City.

1.1.2 - Comprehensive plan: The ~~zoning ordinance~~Unified Development Ordinance is designed to be consistent with policies of the comprehensive plan as adopted by the City, and as may be amended from time to time, and further is designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

1.2 - Applicability.

Except as otherwise provided for in Section 10, "Non-conforming Situations," all structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocation of structures occurring hereafter, and all enlargements or additions to existing uses occurring hereafter shall comply with the regulations of this Ordinance.

1.3 - Interpretation.

The provisions of this Ordinance shall be considered the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Wherever the regulations of this Ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local Ordinance or regulation, the provisions of the regulations of this Ordinance shall govern. Wherever the provisions of any other statute or local Ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations of this Ordinance, the provisions of such statute or local Ordinance or regulation shall govern.

1.4 - Validity and severability.

1.4.1 - *Legislative intent*: It is hereby declared to be the legislative intent that:

- 1) If a court of competent jurisdiction finds any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- 2) If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations, shall not be affected.
- 3) While any provision or provisions of this Ordinance or application of any provision or provisions of this Ordinance to any lot, building or structure is before a court of competent jurisdiction, all other provisions of this Ordinance and all other applications of the provisions of this Ordinance to other lots, buildings or structures shall continue to be separately and fully effective.

1.5 - Repeal of previous ordinances.

Ordinance number ~~4351516~~, adopted ~~January-November 512, 1971~~2002, approving the zoning regulations contained in Appendix B of the Code of Ordinances of the City of Sunset Hills, and any other ordinance amending said Appendix B are hereby repealed, except for any Ordinance approving a preliminary or final development plan under the provisions of Section 9 (Planned Development) of said zoning regulations.

1.6 - Construction begun prior to adoption of Ordinance.

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any buildings or structures upon which actual construction has been approved or was lawfully begun prior to the adoption of this Ordinance and upon which buildings or structures actual construction has been diligently carried on, and provided further that such buildings or structures shall be completed within two years from the date of passage of this Ordinance.

1.7 - Restoration of unsafe buildings.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the zoning enforcement officer or where required by any lawful order.

1.8 - Saving clause.

All rights or remedies of the City are expressly saved as to any and all violations of any previous zoning ordinance or amendments thereto, at the time of the effective date of this Ordinance or amendments thereto and the prosecutions of such violations shall not be abated by the enactment of this Ordinance or amendments thereto.

Section 2 – General Provisions

2.1 - Other applicable regulations.

Other Ordinances and codes of the City of Sunset Hills governing buildings, land development, property maintenance, and building occupancy include, but are not necessarily limited to, the following:

- 1) 2.1.3, Building Code: (Chapter 7, City of Sunset Hills Code of Ordinances);
- 2) 2.1.4, Flood Damage Control: (Appendix E, City of Sunset Hills Code of Ordinances);
- 3) 2.1.5, Explosives Code: (Chapter 9.5, City of Sunset Hills Code of Ordinances); and
- 4) 2.1.6, Zoning Performance Standard Regulations: (Section 1003.163, subsection 3, Revised Ordinances of St. Louis County).

2.2 - Establishment of zoning districts.

In order to regulate and restrict the location of businesses, industries, residences and other land uses and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other spaces within and surrounding such buildings, the City is hereby divided into the following districts. Furthermore, such districts classifications as were in effect at the time of adoption of this Ordinance are hereby afterwards to be classified as follows:

- 1) POS: Parks and open space
- 2) R-1: Single family
- 3) R-2: Single family
- 4) R-3: Single family
- 5) R-4: Single family
- 6) R-5: Single family
- 7) R-6: Single family
- 6)8) LC: Local commercial
- 7)9) GC: General commercial
- 8)10) LI: Light industrial
- 9)11) PO: Professional office

2.3 - Official zoning map.

2.3.1 - Official zoning map. The boundaries of the zoning districts established herein are delineated on a map entitled "Official Zoning Map." The official zoning map and all the notations, references, and other information shown thereon are a part of this Ordinance, and have the same force and effect as if the official zoning map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which zoning map is attached hereto and made a part of this Ordinance by reference.

2.3.2 - Record of amendments to official zoning map. The zoning enforcement officer shall maintain a record of all subsequent amendments to the official zoning map. An up-to-date copy of said map shall be available at City Hall for public inspection.

2.4 - Interpretation of official zoning map.

2.4.1 - Zoning of streets, alleys, etc. All open, vacated, or abandoned streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon such streets, alleys or railroad rights-of-way.

2.4.2 - District boundaries. Wherever any uncertainty exists as to the boundary of any zoning district shown on the official zoning map, the following rules of interpretation shall apply:

- 1) Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the centerlines thereof.
- 2) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- 3) Where a lot of record is divided by a district boundary line, the entire lot shall be construed to be within the district containing more than one-half (½) of the area of the lot.

2.5 - Zoning of annexed land.

As soon as practical after the annexation of property into the City, the board of aldermen shall adopt an Ordinance, or Ordinances, that rezones the annexed property, or properties, to an appropriate zoning district, or districts, pursuant to the provisions of Section 13 "Amendments".

2.6 - Rules of construction.

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

2.6.1 - Tense. Words used in the present tense include the future tense; the singular includes the plural; and plural indicates singular, unless the context clearly indicates the contrary;

2.6.2 - Mandatory versus permissive. The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive;

2.6.3 - Definitions herein. The words and phrases expressly defined herein shall be given the defined meaning, unless indicated otherwise by the context;

2.6.4 - Not defined herein. Words and phrases that are not defined herein shall be [defined in Section XX, Definitions, or](#) given their usual meaning except where the context clearly indicates a different or specified meaning;

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

2.7 - Computation of time.

2.7.1 - Saturdays, Sundays and legal holidays. Unless otherwise specifically provided, the time within which an action is to be taken shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, observed by the City, the deadline for action shall be the next day that the City is open for business. When the period of time prescribed includes intermediate Saturdays, Sundays and/or legal holidays, such days shall be counted.

2.7.2 - Calendar days. The time period legally required by law for public notices shall include all calendar days, unless specified otherwise by law.

2.7.3 - Notice by mail. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon such person and the notice or paper is served by mail, three days shall be added to the prescribed period.

Comment [JW1]: All definitions to be moved to separate section

Section 3 – District Regulations

Comment [JW2]: Changed for consistency after deletion of definitions section

3.1 - General.

The following sections provide specific regulations regarding the use and development of property within the various zoning districts. These district regulations are supplemented by additional regulations appearing elsewhere in this Ordinance or other regulations contained in the Sunset Hills Code of Ordinances. Other regulations contained in this Ordinance that provide development standards includes, but is not necessarily limited to, the following:

- 1) Section 4 – Development Standards
- 2) Section 5 – Use Provisions
- 3) Section 6 – Signs

3.2 – Zoning Districts

3.2.1 - POS District. The intent and purpose of the Parks and Open Space District is to encompass those areas in the City that are under either public or private ownership and are parks, open space, vacant land, or agricultural land.

3.2.2 - R-1 District. The purpose of the R-1 District is to protect and preserve areas of low-density, estate-type, residential development and to allow for the construction of new single family detached dwellings on lots of not less than one (1) acre in size.

3.2.3 - R-2 District. The purpose of the R-2 District is to protect and preserve areas of low-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than twenty-thousand (20,000) square feet in size.

3.2.4 - R-3 District. The purpose of the R-3 District is to protect and preserve areas of medium to low-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than fifteen thousand (15,000) square feet in size.

3.2.5 - R-4 District. The purpose of the R-4 District is to protect and preserve areas of medium-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than ten thousand (10,000) square feet in size.

3.2.6 - R-5 District. The purpose of the R-5 District is to protect and preserve areas of medium to high-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than seven thousand five hundred (7,500) square feet in size.

3.2.7 - R-6 District. The purpose of the R-6 District is to protect and preserve areas of high-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than five thousand (5,000) square feet in size. Attached two-story single-family town homes or attached ranch style dwelling single-family units may be permitted on combined lots pursuant to an approved plan.

3.2.8 - LC District. The intent and purpose of the Local Commercial District is to accommodate retail and office uses of a smaller scale which are intended to provide convenience shopping and services to persons living in adjacent residential areas.

3.2.9 - GC District. The intent and purpose of the General Commercial District is to accommodate retail and wholesale uses serving a larger consumer population. A wider range of uses and structure sizes is permitted in a commercial center and outlot style development.

Comment [JW3]: Changed from RC to GC at staff request

3.2.10 - LI District. The intent and purpose of the Light Industrial District is to accommodate such uses as light manufacturing, fabricating, assembly, disassembly, or processing of goods and products, the nature of which does not have an adverse impact on surrounding uses.

3.2.11 - PO District. The intent and purpose of the Professional Office District is to provide an environment suitable for office, research, and warehouse uses developed in a coordinated and complimentary manner to create a park like atmosphere. Activities and scale are limited to assure high quality development and to limit adverse impacts on surrounding uses.

3.3 – Dimensional Standards

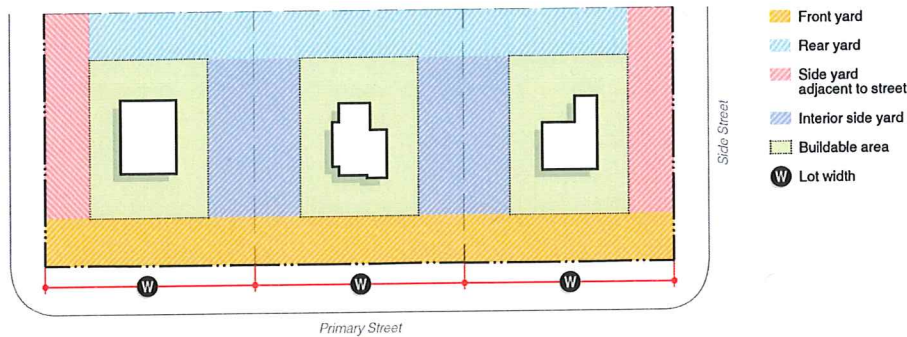
The following table addresses the dimensional (also known as bulk standards) applicable to the development or use of a lot in a given district. The Director of Public Works or her/his designee may allow the minimum front, side, or rear setbacks to be reduced by up to twenty percent (20%) where s/he finds that any use established as a result of the deviation is unlikely to pose a significant adverse impact on the lots adjacent to the yard that is subject to deviation. **In the case that the Director of Public Works or her/his designee denies the deviation or in the case that the deviation is greater than twenty percent (20%) a variation may be sought through the procedures established in Section 11 of the Code.**

Comment [JW4]: Changed Director of Community Development to Director of Public Works at staff request

DISTRICT	LOT AREA (sq/ft)	LOT WIDTH (ft)	FRONT (ft)	INTERIOR SIDE (ft)	SIDE ADJACENT TO STREET (ft)	REAR (ft)	PRIMARY USE COVERAGE (%)	IMPERVIOUS SURFACE COVERAGE (%)	TOTAL LOT COVERAGE (%)	HEIGHT (ft)
POS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R-1	43,560	150	50	15	50	35	15	5	20	40
R-2	20,000	80	40	10	40	30	20	5	25	40
R-3	15,000	80	40	10	40	30	20	5	25	40
R-4	10,000	60	30	10	30	30	25	5	30	40
R-5	7,500	50	30	7	30	30	25	5	30	40
R-6	5,000	40	20	3	20	15	60	5	65	40
LC	10,000	50	10	0 (a)	10 (a)	25 (a)	n/a	n/a	85	50
CC	20,000	100	10	0 (a)	10 (a)	0 (a)	n/a	n/a	80	75
LI	40,000	200	10	0 (a)	10 (a)	0 (a)	n/a	n/a	80	50
PO	100,000	50	40	15 (a)	40 (a)	30 (a)	65	10	70	50

a) If setback is adjacent to a residential district, then same as residential district.

Dimensional Standards 3.3



3.4 – Use Regulations

The following uses shall be permitted in the applicable districts as indicated in the table of permitted uses, found at the end of this section (Table Name Reference).

- 1) **Permitted Uses.** Except as provided below, uses which are marked by a "P" in the table shall be allowed with a zoning permit.
- 2) **Conditional Uses.** Uses which are marked by a "C" in the table shall be allowed with a conditional use permit.
- 3) **Planned Development Only Uses.** Uses which are marked by a "PD" in the table shall only be permitted in planned developments.
- 4) **Uses Not Permitted.** Uses not marked by either an "X" or "C" in the table are not permitted. Uses not permitted are prohibited.
- 5) **Uses not listed.** In the event that a use is proposed that is not listed in the table, the City Administrator or her/his designee shall determine if the use is the same or similar to a use listed in the table. If it is, he or she shall treat the use in the same manner as the "similar" use. If not, he or she shall treat the use as not permitted.
- 6) **More Than One Use on a Lot.** Where a single business entity proposes to or is engaged in more than one principal use on a lot, or where two or more uses are located on one lot, each use must be a permitted use in the district in which it is located.

Comment [JW5]: PD permission added to table

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
<i>Single-family Dwellings</i>												
Single-family detached		P	P	P	P	P	P					
Single-family attached		PD	PD	PD	PD	PD	PD					
<i>Multi-family Dwellings</i>												
Multifamily Dwelling		PD	PD	PD	PD	PD	PD					
Senior Housing		PD	PD	PD	PD	PD	PD					
Dwelling units located above ground floor as part of mixed use		PD	PD	PD	PD	PD	PD					
Group homes		P	P	P	P	P	P					
<i>Temporary Dwellings</i>												
Boarding Homes												
Roominghouse												
Tourist home												
Domiciliary Homes and Institutions												
Childcare facilities								P	P		C	
Family care homes												
Assisted living facility				PD	PD	PD	PD	PD	PD			
Nursing homes				PD	PD	PD	PD	PD	PD			
<i>Hotels and Motels</i>												
Hotel								C	C			5.6
<i>Educational Uses</i>												
Nurseries or preschools		C	C	C	C	C	C	P	P		C	
Schools (elementary, middle, high)		C	C	C	C	C	C					5.4
Colleges and universities		C	C	C	C	C	C			C	C	
Vocational and trade schools		C	C	C	C	C	C			C	C	
<i>Religious</i>												
Places of worship		C	C	C	C	C	C	P	P		C	
Convents, monasteries, and seminaries								C	C		C	
Cemeteries and mausoleums*	P	C	C	C	C	C	C					5.3
Crematorium												
Funeral homes (Personal Services)								P	P			
<i>Other Educational, Religious, Cultural</i>												
Library		C	C	C	C	C	C	P	P			5.7
Museums and Cultural Institutions								P	P			
Emergency Services*		C	C	C	C	C	C	P	P			
Public Safety facility (police, fire, ambulance)						C	C	P	P	P	P	
Municipal Buildings		P	P	P	P	P	P	P	P			
Recreation Uses	P	C	C	C	C	C	C				P	

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Health, athletic, recreation, and amusement facilities, indoor	P							P	P			
Parks, playgrounds, and skating rinks publicly owned and operated	P	C	C	C	C	C	C					
Swimming pools, athletic fields, and other recreational facilities, publicly owned and operated	P	C	C	C	C	C	C					
Amphitheatre, Bandshell, and Outdoor Theaters	P											
Swimming Pools and Aquatic Centers (Indoor and Outdoor)	P							C	C			
<i>Private club, lodge, and recreation facilities</i>												
Private Club	P	C	C	C	C	C	C					
Marina	C	C	C	C	C	C	C					
<i>General Office Uses</i>												
Banks, no drive-in								P	P		P	
Banks, drive-in								C	C	C	P	5.8±
Drive-up Automatic tellers								C	C	C	P	5.8±
Pay-day loan												
Post office*								P	P			
Other general offices								P	P		P	
Professional Office Uses								P	P		P	
Service oriented business office								P	P		C	
Contractor's office								P	P		C	
Home occupations		P	P	P	P	P	P					
<i>Medical Uses</i>												
Acute care center								P	P		P	
Hospital								P	P	P	P	5.5
Medical or Dental Office								P	P		P	
Pharmacy								P	P	P	C	
<i>Services</i>												
Hair, nail, tanning, and personal care services								P	P		C	
Service and repair, clothing, and small appliance								P	P		C	
Mail, copying, parcel, and printing services								P	P		C	
Tattoo parlors								-	-	P		
All other personal service oriented uses								C	C			
<i>Laundries</i>												
Launderettes (self-service dry cleaning)								P				
Dry cleaning processing on premises								C	C			
Dry cleaning/processing done elsewhere								P				
Commercial laundries									C			
<i>Animal Care Uses</i>												

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Animal Hospitals								C	C			
Kennels and Pet Daycares								C	C	C		
Pet grooming								P	P			
General Retail												
Retail Sales, General								P	P			
Retail Sales, Outdoor								C	C			
Bakeries								P	P			
Candy and ice cream stores								P	P			
Convenience store								C	C			
Grocery stores								P	P			
Liquor stores, package goods only								P	P			
Pawn shop										C		
Clothing and costume rental								P	P			
Pet shops								P	P			
Greenhouses	C							P	P	C		
Open sales lots								C	C			
Plumbing, heating, and air conditioning								C	C	P		
Sale of liquid fuels (stored underground)								C		P		
Secondhand stores and consignment shops								P	P			
Gun shops								C	C			
Adult Uses										C		
Eating and Drinking Establishments												
Coffee/Tea Shop								C	C		C	
Sit down Restaurants								C	C		C	
Drive through Restaurants								C	C			5.8 1
Taverns and brewpubs								C	C			
Delivery Only/Carry-Out Restaurants								C	C		C	
Delicatessens								C	C		C	
Outside dining; sidewalk cafes								C	C		C	
Meeting Facility or Banquet Hall												
Banquet Hall	C							C	P			
Motor Vehicle Oriented Businesses Uses												
Gasoline service/sales								C	C			5.8
Vehicle repair and service								C	C	C		5.8
Car wash								C	C			5.2 and 5.8
Vehicle sales and rental								C	C	C		5.8
Vehicle storage								C	C	C		5.8
Wholesale, Distribution, and Storage Facilities												

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Wholesale sales									P	P		
Distribution center									P	P		
Garden supply and seed stores									P	P		
Nurseries									C	P		
Lumber yards										P		
Contractor supply houses									C	P		
Auction sales									C	C		
Nonhazardous inside storage										P		
Nonhazardous outside storage										C		
Industrial Uses												
Laboratories, medical and dental									P	P	P	
Research laboratories									P	P	P	
Light manufacturing										P		
Breweries and distilleries								C	C	P		
Mining and mineral extraction										P		
Medical Marijuana Uses												
Indoor Medical Marijuana Cultivation Facilities										P		5.11
Medical Marijuana Testing Facility										P		5.11
Medical Marijuana-Infused Products Manufacturing Facility										P		5.11
Medical Marijuana Post-Extraction Industrial/Wholesale Facility	-	-	-	-	-	-	-	-	-	P	-	5.1
Medical Marijuana Post-Extraction Retail Sales Facility	-	-	-	-	-	-	-	C		P	-	5.1
Medical Marijuana Dispensary Facility								C	C	P		5.11
Communications Antenna Uses												
Radio, cellular and television towers (up to 35 ft)	C	C	C	C	C	C	C	C	C	C	C	
Radio, cellular and television towers (above 35 ft)	C	C	C	C	C	C	C	C	C	C	C	
Major Utility Uses												
Electric distribution, electric substation	C	C	C	C	C	C	C	C	C	P	C	
Gas regulator stations	C	C	C	C	C	C	C	C	C	P	C	
Microwave relay towers	C	C	C	C	C	C	C	C	C	P	C	
Sewage lift stations	C	C	C	C	C	C	C	C	C	P	C	
Static transformer stations	C	C	C	C	C	C	C	C	C	P	C	
Telephone exchanges	C	C	C	C	C	C	C	C	C	P	C	
Telephone transmission, equipment buildings	C	C	C	C	C	C	C	C	C	P	C	
Water system facilities	C	C	C	C	C	C	C	C	C	P	C	
Wastewater treatment plants	C		C	C	C	C	C	C	C	P	C	
Energy generating stations	C	C	C	C	C	C	C	C	C	P	C	
Transportation Uses												

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Bus shelters and parking areas		C	C	C	C	C	C	C	C	P	P	
Bus stations, bus garages, bus lots								C	C	P	C	
Taxi stands								C	C		P	
Towing	-	-	-	-	-	-	-	-	-	C	-	-
<i>Agricultural Uses</i>												
Row crops only, no accessory retail sales	P	C	C									
Row crops only, accessory retail sales	P											
Silos	P											
Hatcheries or fish	P											
Equipment sales and repair									P	P		
<i>Temporary Uses</i>												
Temporary uses related to construction	C	C	C	C	C	C	C	C	C	C	C	
Temporary Portable Outdoor Storage Unit		P	P	P	P							5.9

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Section 4 – Development Standards

These regulations supplement and qualify regulations contained elsewhere in this Ordinance. Unless otherwise stated, the regulations hereafter established by the adoption of this Ordinance shall apply to all districts established by this Ordinance.

Section 4.1 – Off-Street Parking, Loading, and Stacking Requirements

4.1.1 - Intent and Purpose

It is the purpose of these off-street parking and loading requirements to provide for sufficient accessory use areas for the temporary parking of motor vehicles and for loading and unloading of transport vehicles associated with large multi-family dwellings, commercial uses, and industrial uses. The requirements for off-street parking and loading spaces are intended to reduce the congestion on the streets due to excessive use of such streets for parking and/or loading and unloading of motor vehicles.

4.1.2 - Applicability

For every use, activity, or structure permitted by this Ordinance, and for all buildings or structures erected in accordance therewith with this Ordinance, there shall be provided sufficient space for access and off-street standing; parking; circulation; unloading and loading of motor vehicles that may be expected to transport their occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity, or place of residence at any time under normal conditions for any purpose. Except as otherwise provided for in this Section, when a use is expanded or changed, accessory off-street parking and loading shall be provided in accordance with the regulations herein established by this Ordinance for the area or capacity of such expansion or change.

4.1.3 - Design and Load Requirements

1) Surfacing and Drainage of Parking Areas

All open off-street parking areas and driveways, ~~except required parking spaces accessory to single family dwellings,~~ shall be graded and paved with a durable dust-free and hard material, such as bituminous hot mix or portland cement concrete, or approved comparable material over a compacted gravel base of not less than four ~~(4)~~ inches ~~(4")~~ thick. ~~Off-street parking areas for single-family dwellings shall be paved as specified above or with gravel or crushed stone.~~ All parking areas and driveways shall be properly drained to avoid standing water or damage to adjacent property.

2) Surfacing and Drainage of Loading Areas

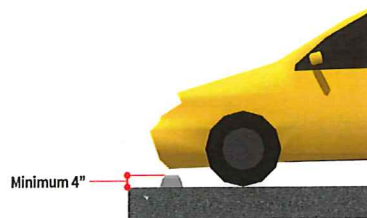
All loading spaces shall be improved with a compacted select gravel base, not less than four ~~(4)~~ inches ~~(4")~~ thick, ~~and thick and~~ surfaced with portland cement concrete not less than six ~~(6)~~ inches ~~(6")~~ thick.

3) Perimeter Curbing and Wheel Stops

Except for parking areas accessory to single-family dwellings, fixed and permanent wheel stops securely anchored into the ground or curbs of portland cement concrete or approved comparable material at least four ~~(4)~~ inches ~~(4")~~ high shall be installed for each parking stall which is located along the perimeter of any off-street parking area. Such wheel ~~stops~~ stops, or curbing shall be so placed to prevent damage to landscaping, fences, or walls, and to prevent encroachment of vehicles into public walkways.

Perimeter Wheel Stops

4.1.3(3)



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4.1.4 - Vehicular Access and Circulation

1) Access

Access to parking and loading areas: Off-street parking or loading areas shall be provided with vehicular access via curb-cuts and access drives from an improved street or alley which will least interfere with vehicular and pedestrian traffic flow. Except for off-street parking accessory to single-family dwellings, such parking areas shall be designed to prohibit motor vehicles backing into public streets, alleys, or sidewalks.

Access to parking and loading spaces: Each off-street parking and loading space shall be accessible directly from an aisle or driveway. The only exception to this requirement is off-street parking associated with single family dwellings and parking reserved exclusively for vehicle sales, leasing, or rental.

2) Parking Area Delineations

All parking lots shall be striped to provide a visible indicator for vehicle circulation and parking maneuvers. Parking spaces and other circulation markings shall be restored, as necessary, to maintain a clear identification of separate parking spaces and other markings at all times.

3) Traffic Control

Vehicular traffic to, from, and within an off-street parking or loading area shall be controlled by appropriate traffic control signs, surface markings, and curb islands. All parking areas which will, in the opinion of the Public Works Director or his/her designee, generate a significant volume of traffic movement shall have its entrances clearly marked and designated as to direction of traffic flow or other conditions of use of the access driveway by the use of low-profile signs.

4.1.5 - Location of Parking Spaces

All required off-street parking shall be provided on the same lot occupied by the use or building to which it is appurtenant [unless otherwise provided for in this Section](#).

4.1.6 - Shared and Remote Parking

One (1) parking area may contain required spaces for other adjacent uses, but except as otherwise provided for in this title, the required parking spaces assigned to one (1) use shall not be credited to any other use. To the extent that two (2) or more adjacent uses experience peak parking demand at different times, some parking spaces may be counted as meeting the demand for both uses. In determining the parking requirements where the uses intend to share parking, Public Works Director or his/her designee will establish the peak hourly demand by calculating such need from the appropriate methodology set out in the most recent version of the ITE reference manual or on the basis of a Parking Demand Study. Persons intending to take advantage of this provision shall be required to demonstrate that an enforceable agreement exists between the parties who intend to share the parking.

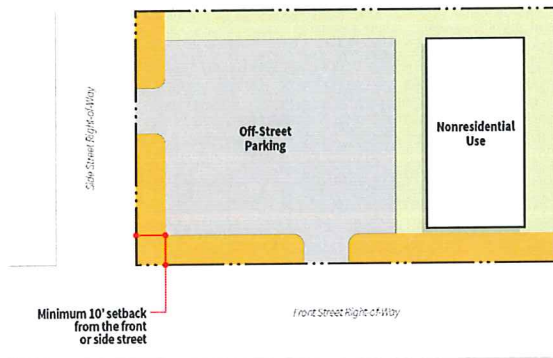
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4.1.7 - Parking and Loading Area Setback Requirements

1) Nonresidential

- a) **Setback of parking spaces:** Parking spaces for nonresidential uses shall not occupy any part of a site between the street right-of-way and ~~ten (10)~~~~ten (10)~~ feet (10') from the front or side street right-of-way. A variance to this may be granted for a lot of record, if the lot depth is ~~one hundred and thirty (130)~~~~one hundred and thirty (130)~~ feet (130') or less or, in the case of a corner lot, the lot width is ~~one hundred and thirty (130)~~~~one hundred and thirty (130)~~ feet (130') or less, but in no case shall parking spaces be closer than ~~six feet six inches (6.5)~~~~six feet six inches (6.5)~~ feet (6.5') from the front or side street right-of-way.
- b) **Setback of circulation aisles:** Parking circulation aisles and parking/loading maneuvering areas may be located in a required front yard, side yard, or rear yard; provided that a minimum of five-foot (5') setback is maintained between the paved area and the property line or right-of-way line. A variance to this may be granted for a lot of record, if the lot depth is ~~one hundred and thirty feet (130)~~~~one hundred and thirty (130)~~ feet (130') or less or, in the case of a corner lot, the lot width is ~~one hundred and thirty feet (130)~~~~one hundred and thirty (130)~~ feet (130') or less, but in no case shall the variance allow for the encroachment of vehicles into the street right-of-way except for access drives.

Nonresidential Parking Setback Requirements
4.1.7(1)(a)



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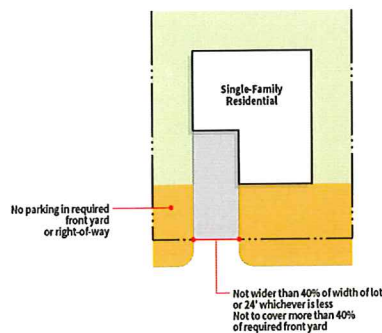
b)

2) Single-Family Residential

On lots developed with single-family dwellings, no motor vehicle shall be permitted to be parked between the dwelling and any street unless such vehicle is parked upon a driveway. Said driveway shall conform to all of the following standards:

- a) The driveway shall not be wider than ~~forty (40)~~~~forty (40)~~ percent (40%) of the width of the lot on which the driveway is located or ~~twenty-four (24)~~~~twenty-four (24)~~ feet (24'), whichever is less;
- b) The driveway shall not cover more than ~~forty (40)~~~~forty (40)~~ percent (40%) of the required front yard; and

Single-Family Residential Parking Setback Requirements
4.1.7(2)



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c) In all instances, no vehicle shall be parked so as to have any portion of the vehicle located over a public or private sidewalk or pedestrian way.

e)

3) Loading

No loading space shall be closer than ~~fty~~50 feet (50') to any property in a residential district unless said space is completely enclosed by a building. No loading space shall be located within any area where parking is prohibited by this Ordinance.

4.1.8 - 4.1.9 - Dimensional Standards

Except for off-street parking associated with single-family dwellings and as otherwise provided in this section, the following minimum dimensional requirements shall apply to all off-street parking areas:

Parking Angle	Stall width (W)	Stall Length (L)	Aisle Width (AI)	Single Loaded Module Width (SU)	Double Loaded Module Width (DU)
0°	9'	21'	24'	20.5'	29'
45°	9'	18'	13'	32'	51'
60°	9'	18'	17'	38'	58'
90°	9'	18'	24'	42'	60'

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	A		
	45°	60°	90°
B	9.0'	9.0'	9.0'
C-1	16.5'	18.5'	19.0'
C-2	20.0'	21.0'	19.0'
D	13.0'	18.0'	24.0'
E	12.7'	10.5'	9.0'
F	53.0'	60.0'	62.0'
G	46.0'	55.0'	—
A ⁱ	Angle of parking space ⁱⁱ		
B	Parking space width		
C-1	Space depth—perpendicular to curb or reference plane (with overhang)		
C-2	Space depth perpendicular to reference plane (without overhang)		

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D ²	Aisle width [#]
E	Curb length per parking space
F	Width of parking bay (without overhang either side)
G	Width of parking bay (double loaded aisle or with overhang on each side)

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1) Dimensional Standards of Loading Areas

Loading spaces shall be at least ~~twelve (12)~~twelve ~~feet (12')~~ feet (12') in width and ~~twenty-five (25) feet~~twenty-five ~~feet (25')~~ feet (25') in length (~~fifty (50)~~fifty ~~feet (50')~~ feet (50') in length for tractor/trailer loading spaces), exclusive of vehicle maneuvering areas, and shall have a vertical clearance of at least ~~fifteen (15)~~fifteen ~~feet (15')~~ feet (15').

4.1.7.3 Dimensional Standards of Stacking Spaces

~~Queuing or waiting area for drive-through facilities shall be a minimum of eleven (11) feet in width and twenty (20) feet in length per required stacking space.~~

2) Exceptions to Dimensional Standards

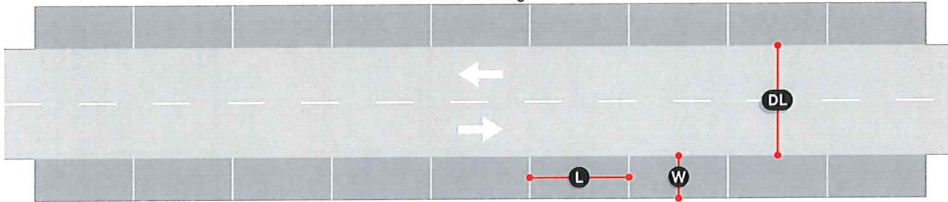
- a) Additional aisle width may be required to accommodate emergency vehicles and equipment, or where the aisle serves as a principal means of access and circulation within the site, including access to loading spaces, drive-through facilities, or trash storage facilities.
- b) If the desired parking angle is not specified in this section, the Public Works Director or his/her designee may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensional standards specified in this section.
- c) Off-street parking spaces for vehicles, other than personal passenger vehicles, shall be of a size (exclusive of aisle, drives and maneuvering space) sufficient to accommodate the length and width of the vehicle as well as the opening of vehicle doors for ingress and egress.

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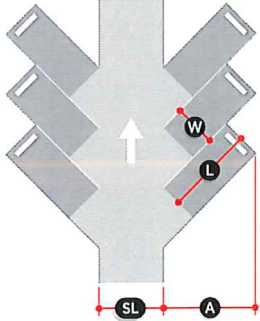
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Dimensional Standards 4.1.8

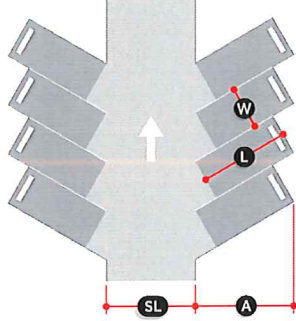
Parallel Parking



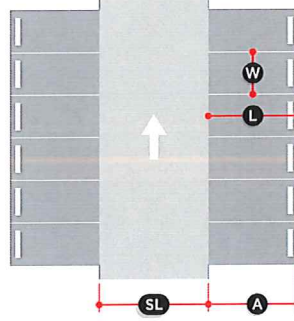
45° Parking



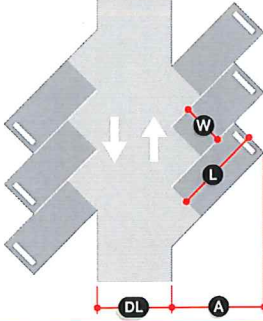
60° Parking



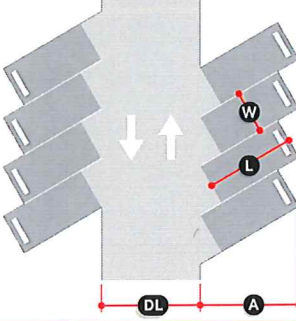
90° Parking



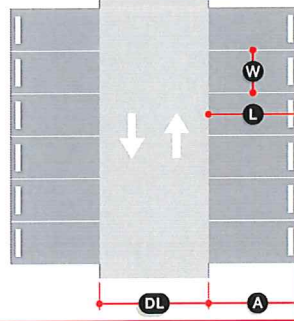
45° Parking



60° Parking



90° Parking



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4.1.9 – Lighting

All parking areas shall be illuminated in accordance to the St. Louis County Lighting Regulations contained in the County Code, as amended.

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1) Applicability

Except for parking accessory to single family dwellings, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn whenever said premises are open for operation. "Open for operation" shall be any time that a business is open for the sale of goods or services or if the retail, office, industrial, or other facility actually has employees working within or upon said premises, other than security personnel.

2) Illumination Standards

Where lighted areas are required, the following illumination standards (in foot candles) shall apply:

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<u>Minimum initial level at any point on the parking area or drive:</u>	
<u>Residential use:</u>	<u>0.07</u>
<u>Commercial/industrial use</u>	<u>0.5</u>
<u>Other uses:</u>	<u>0.3</u>
<u>Average initial level:</u>	
<u>Residential use:</u>	<u>0.35</u>
<u>Commercial/industrial use:</u>	<u>1</u>
<u>Other uses:</u>	<u>0.5</u>
<u>Maximum initial level, five (5) feet (5') from the base of a light standard:</u>	
<u>Residential use:</u>	<u>3</u>
<u>Commercial/industrial use:</u>	<u>8</u>
<u>Other uses:</u>	<u>5</u>

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Residential use:	0.07
Commercial/industrial use	0.50
Other uses:	0.30
Residential use:	0.35
Commercial/industrial use:	1.00
Other uses:	0.50
Residential use:	3.00
Commercial/industrial use:	8.00
Other uses:	5.00

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3) Excessive Illumination

Lighting within any property that unnecessarily illuminates any other property and substantially interferes with the use or enjoyment of such other property is prohibited. In furtherance of this requirement, all lighting on private property shall be so arranged or designed using cut-off lenses as necessary to direct light away from adjoining premises and streets. Flood and spot lights shall be shielded when necessary to prevent glare on adjoining

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properties or streets and to avoid visual interference with traffic control devices. Detailed lighting design plans and calculations shall be provided when deemed necessary by the Public Works Director or his/her designee to ensure compliance with this requirement.

4.1.-10 – Americans with Disabilities Act Compliant Parking

The number of parking spaces for physically disabled persons shall comply with the standards set forth in the Revised Ordinances of St. Louis County as may be amended from time to time.

4.1.-11 – Parking for Multiple Use Buildings

~~Unless otherwise specified in this section, t~~The number of parking spaces required for land or buildings used for two ~~(2) (2)~~ or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this section. Parking facilities for one ~~(1) (1)~~ use shall not be considered as providing the required parking facilities for any other use.

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4.1.-12 – Prohibited Off-Street Parking Uses

Except as expressly permitted by this Ordinance, no off-street parking space or loading space shall be utilized for any other purpose. The following off-street parking uses are expressly prohibited:

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- 1) Off-street parking or storage of vehicles on surfaces other than properly maintained and properly drained pavements complying with the construction requirements of Section 7.1.3.
- 2) Off-street parking of vehicles on any established lawn or landscaped area, except for vehicles required for performing repairs or construction on site.
- 3) Storage of mobile homes or use for dwelling purposes in any zoning district.
- 4) The use of recreational equipment or motor homes for living, sleeping or housekeeping purposes when parked or stored in any zoning district.
- 5) ~~Motor vehicles, trailers and motorized equipment undergoing repairs or remodeling are prohibited to be in public view and shall be covered or kept within a shelter, provided, however, that this provision shall not take effect until said motor vehicle, trailer or motorized equipment has been in public view for one (1) week. A motor vehicle, trailer, or other motorized equipment undergoing repairs or remodeling shall be in public view for a period not to exceed one (1) week. Any such motorized equipment shall be covered or kept within a shelter.~~
- 6) Parking of a vehicle, trailer, or boat upon any premises in the City designated by the Missouri Department of Transportation as a "commuter lot" for the principal purpose of displaying such vehicle, ~~trailer~~trailer, or boat for sale.
- 7) Improved/paved parking areas cannot cover more than ~~thirty-five (35)~~thirty-five~~35~~ percent ~~(35%)~~ of the required lot size less the footprint of the existing residence.

4.1.-13 – Minimum Required Off-Street Parking Spaces

Except as otherwise expressly provided in this title, off-street parking spaces shall be provided with the parking ratio requirements of Table 4.1.-13 below. In no instance shall there be permitted, off-street parking in excess of ~~twenty~~20 percent ~~(20%)~~ of the off-street parking required in this title. If the designated use has two ~~(2)~~ or more parking ratio options, the option that requires the greater number of spaces shall be used. When computation of the required number of off-street parking spaces results in a requirement of a fraction space, a fraction of any amount shall be counted as one ~~(1)~~ space. Upon receiving a development application for a use not specifically listed in this title, the Public Works Director or his/her designee is authorized to apply the parking ratio specified for the listed use that he/she deems most similar to the proposed or establish a different minimum parking requirement on the basis of a Parking Demand Study.

Where floor area is the unit of measurement to determine the required number of off-street parking spaces, Gross Floor Area (GFA) shall be used. For the purposes of calculating required off-street parking spaces, designated

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outdoor dining, seating and sales areas shall be applied toward the floor area. When the number of employees is used as a measurement for determining the number of required parking spaces, it shall be based on the number of employees that can be expected to be on the premises during the largest shift, except as otherwise specified in this ordinance. The number of employees shall be based on the use activity operating at full capacity.

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Use	Minimum Required Parking
Single-family Dwellings	
Single-family detached	2 per DU
Single-family attached	2 per DU
Multi-family Dwellings	
Multifamily Dwelling Fewer Than 5 Units	2 per DU
Multifamily Dwelling More Than 5 Units	2.25 per DU
Senior Housing	1 per 3 beds at capacity
Dwelling units located above ground floor as part of mixed use	2 per DU
Group homes	1 per 2 occupants
Temporary Dwellings	
Childcare facilities	1 per 300 GFA
Assisted living facility	1 per 2 occupants
Nursing homes	1 per 3 beds at capacity
Hotels and Motels	
Hotel	1.2 per room + seventy-five percent (75%) of requirement for any other use associated with the establishment
Educational Uses	
Nurseries or preschools	1 per 250 GFA
Schools (elementary, middle)	1.2 per classroom or 1 per 4 seats in main assembly area
Schools (high)	10 per classroom or 1 per 4 seats in main assembly area
Colleges and universities	1 per 200 GFA or 1 per 4 seats or as determined by PW director
Vocational and trade schools	1 per 200 GFA or 1 per 4 seats or as determined by PW director
Religious	
Places of worship	1 per 4 seats in main assembly area
Convents, monasteries and seminaries	1 per 4 seats in main assembly area
Cemeteries and mausoleums*	1 per 1.15 employees
Crematorium	1 per 300 GFA
Funeral homes (Personal Services)	1 per 4 seats in main assembly area
Other Educational, Religious, Cultural	
Library	1 per 500 GFA
Museums and Cultural Institutions	1 per 500 GFA
Emergency Services*	
Public Safety facility (police, fire, ambulance)	1.15 per employee
Municipal Buildings	1 per 200 GFA
Recreation Uses	
Health, athletic, recreation, and amusement facilities, indoor	1 per 200 GFA
Parks, playgrounds, and skating rinks publicly owned and operated	As determined by PW Director
Swimming pools, athletic fields, and other recreational facilities publicly owned and operated	As determined by PW Director
Amphitheatre, Bandshell, and Outdoor Theaters	1 per 4 seats in main assembly area
Swimming Pools and Aquatic Centers (Indoor and Outdoor) privately owned and operated	1 per 50 sq/ft sq. ft. of water surface area
Private club, lodge, and recreation facilities	
Golf Course	60 per 9 holes + 75% seventy-five percent (75%) of requirement for any other use associated with the establishment
Miniature Golf Course	3 per hole

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Bowling	3 per lane + 75% seventy-five percent (75%) of requirement for any other use associated with the establishment
Marina	1.25 per slip
General Office Uses	
Banks, no drive-in	1 per 200 GFA
Banks, drive-in	1 per 300 GFA
Drive-up Automatic tellers	none required
Post office*	1 per 200 GFA
Other general offices	1 per 200 GFA
Professional Office Uses	
Service oriented business office	1 per 200 GFA
Contractor's office	1 per 200 GFA
Medical Uses	
Acute care center	1 per 150 GFA
Hospital	3 per bed
Medical or Dental Office	1 per 200 GFA
Services	
Hair, nail, tanning, and personal care services	1 per 200 GFA
Service and repair, clothing, and small appliance	1 per 300 GFA
Mail, copying, parcel, and printing services	1 per 300 GFA
Tattoo parlors	1 per 300 GFA
All other personal service-oriented uses	1 per 300 GFA
Laundries	
Launderettes (self-service dry cleaning)	1 per 250 GFA
Dry cleaning, processing on premises	1 per 250 GFA
Dry cleaning, processing done elsewhere	1 per 250 GFA
Commercial laundries	1 per 250 GFA
Animal Care Uses	
Animal Hospitals	1 per 250 GFA
Kennels and Pet Daycares	1 per 300 GFA
Pet grooming	1 per 250 GFA
General Retail	
Mixed commercial center	1 per 250 GFA
Bakeries	1 per 200 GFA
Candy and ice cream stores	1 per 200 GFA
Grocery stores	1 per 200 GFA
Liquor stores, package goods only	1 per 200 GFA
Business and office equipment	1 per 200 GFA
Clothing and costume rental	1 per 200 GFA
Pet shops	1 per 200 GFA
Lighting stores	1 per 200 GFA
Open sales lots	1 per 200 GFA
Plumbing, heating and air conditioning	1 per 200 GFA
Sale of liquid fuels (stored underground)	1 per 200 GFA
Secondhand stores and rummage shops	1 per 200 GFA
Gun shops	1 per 200 GFA
Adult Uses	1 per 200 GFA
Other Retail	1 per 200 GFA
Eating and Drinking Establishments	
Sit down Restaurants	1 per 200 GFA

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Drive through Restaurants	1 per 300 GFA
Taverns and brewpubs	1 per 200 GFA
Delivery Only/Carry-Out Restaurants	1 per 300 GFA
Delicatessens	1 per 200 GFA
Meeting facility or Banquet Hall	
Banquet Hall	1 per 4 seats in main assembly area
Motor Vehicle Uses	
Gasoline service/sales	1.25 per pump plus 75% seventy-five percent (75%) of requirement for any other use associated with the establishment
Vehicle repair and service	4 per 25/stall
Car wash	1 per washing bay
Vehicle sales and rental	1 per 600 GFA + 1 per 2,000 sq. ft. of outdoor sales display area
Wholesale, Distribution, and Storage Facilities	
Wholesale sales	1 per 2,000 GFA
Distribution center	1 per 2,000 GFA + 100% of requirement for any use associated with the establishment
Garden supply and seed stores	1 per 600 GFA + 1 per 2,000 sq. ft. of outdoor sales display area
Nurseries	1 per 600 GFA + 1 per 2,000 sq. ft. of outdoor sales display area
Lumber yards	1 per 600 GFA + 1 per 2,000 sq. ft. of outdoor sales display area
Contractor supply houses	1 per 800 GFA
Auction sales	1 per 4 seats in main assembly area
Nonhazardous inside storage	1 per 1,600 GFA
Nonhazardous outside storage	1 per 1,600 GFA
Industrial Uses	
Laboratories, medical and dental	1 per 600 GFA
Research laboratories	1 per 600 GFA
Light manufacturing	1 per 600 GFA
Breweries and distilleries	1 per 600 GFA + 75% seventy-five percent (75%) of requirement for any use associated with the establishment
Communications Antenna Uses	
Radio, cellular and television towers (manned)	1 per 200 GFA
Major Utility Uses	
Electric distribution, electric substation	As determined by PW Director
Gas regulator stations	As determined by PW Director
Microwave relay towers	As determined by PW Director
Sewage lift stations	As determined by PW Director
Static transformer stations	As determined by PW Director
Telephone exchanges	As determined by PW Director
Telephone transmission, equipment buildings	As determined by PW Director
Water system facilities	As determined by PW Director
Wastewater treatment plants	As determined by PW Director
Energy generating stations	As determined by PW Director
Transportation Uses	
Bus stations, bus garages, bus lots	As determined by PW Director
Taxi stands	As determined by PW Director

4.1.134 – Minimum Required Loading Spaces

On the same premises with every building erected and occupied for retail business, manufacturing, storage, store, hotel, hospital or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise,

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there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services in a manner that does not interfere with required parking and with the public use of streets and alleys.

The minimum number of loading spaces shall be provided according to the following schedule:

5 Floor Area	6 No. Required Loading Spaces
7 1 to 1,400 sq. ft.	8 1
9 1,401 to 20,000 sq. ft.	10 2
11 20,001 to 100,000 sq. ft.	12 2 + 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
13 100,001 to 500,000 sq. ft.	14 6 + 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
15 Over 500,000 sq. ft.	16 15 + 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

4.1.145 – Minimum Required Stacking Spaces

Stacking Spaces for Drive-Through Facilities

1) General Requirements

Every use having a drive-through facility shall provide stacking spaces. The following general standards apply to all stacking spaces and drive-through facilities:

- a) Stacking spaces and lanes for drive-through stations are not to impede on- and off-street traffic movement, are not to cross or pass through off-street parking areas and are not to impede pedestrian access to a public entrance of a building.
- b) Drive-through lanes are to be separated from off-street parking areas. Individual lanes are to be striped, marked, or otherwise distinctly delineated.
- c) Approach lanes for drive-through facilities are to have the following minimum dimensions:
 - i. Nine feet (9') in width
 - ii. Eighteen±8 feet (18') in length
- a) All drive-through facilities are to be provided with a bypass lane with a minimum width of ten±0 feet (10').
- d)

2) Requirements by Use

Use	Minimum Stack	Measured From
Automated Teller Machine	Two (2) per machine	Teller Machine
Bank Teller Lane	Two (2) per lane	Teller or Window
Restaurant	Six (6) per order-box	Order-Box (four (4) 4-of the required spaces are to be located between the order-box and the pick-up window) be located between the order-box and pick up window, including the space at the order-box
Carwash Stall, automatic	Five (5) per stall	Entrance
Carwash Stall, manual	Two (2) per stall	Entrance
Other	At the discretion of the Director of Public Works	

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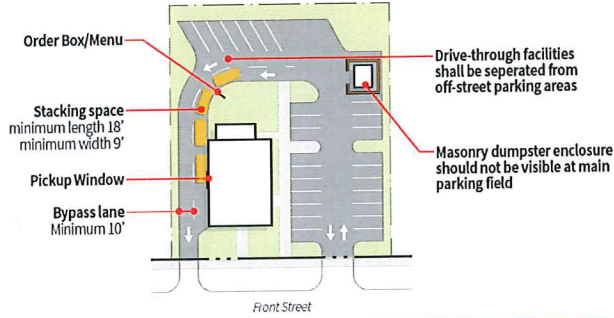
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Stacking Spaces for Drive-Through Facilities

4.1.15(1)



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4.14.2 Landscaping Landscape Requirements

4.2.1 - Planting Specifications

1) General

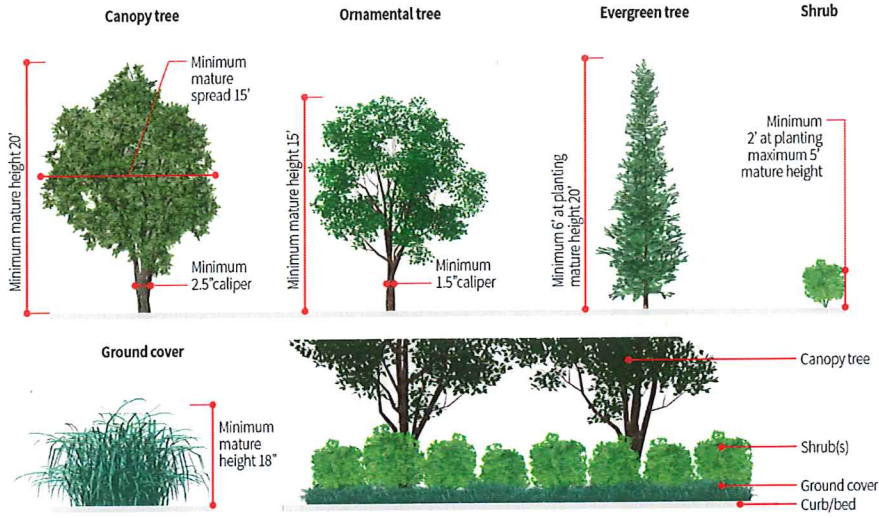
Landscaping required by this Ordinance shall mean living plants in a combination of trees, shrubs, and/or ground cover. Unless otherwise stated in this Ordinance, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at ~~twelve (12)~~ twelve (12) inches (12") above the ground level. Any plant materials used to meet the requirements of this section shall not include any plant material determined by the state of Missouri as an invasive species.

2) Planting Types

- a) ~~Canopy trees:~~ A ~~self-supporting woody, deciduous~~ hard wood plant having not less than a ~~two and one-half inches (two and one-half (2½) 2.5")~~ 2.5" caliper and reaches a mature height of not less than ~~twenty (20) twenty~~ 20 feet (20') and a mature spread of not less than ~~fifteen (15) fifteen~~ 15 feet (15').
- b) ~~Ornamental trees:~~ A ~~self-supporting woody, deciduous~~ hard wood plant having not less than a ~~one and one-half (1½) one and one-half~~ 1.5 inches (1.5") caliper and normally attains a mature height of at least ~~fifteen (15) fifteen~~ 15 feet (15') and usually has one ~~(1) (1)~~ main stem or trunk and many branches. Several species may appear to have several stems or trunks.
- c) ~~Evergreen trees:~~ A tree having foliage that persists and remains green throughout the year and having a height of not less than ~~six (6) feet (6') at installation~~ 6' at installation and maturing to a height of not less than ~~twenty (20) twenty~~ 20 feet. (20')
- d) ~~Shrub:~~ A ~~self-supporting~~ woody perennial plant (deciduous or evergreen) of low to medium height characterized by multiple stems and branches continuous from its base and having a height of not less than ~~two (2) feet (2')~~ 2' and normally maturing to a height of not more than ~~ten (10) five~~ 5 feet (5').
- e) ~~Ground cover:~~ Plants, other than turf grass, normally reaching an average maximum height of not more than ~~twenty-four (24) eighteen~~ 18 inches (18") at maturity.

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Planting Types 4.2.1(2)

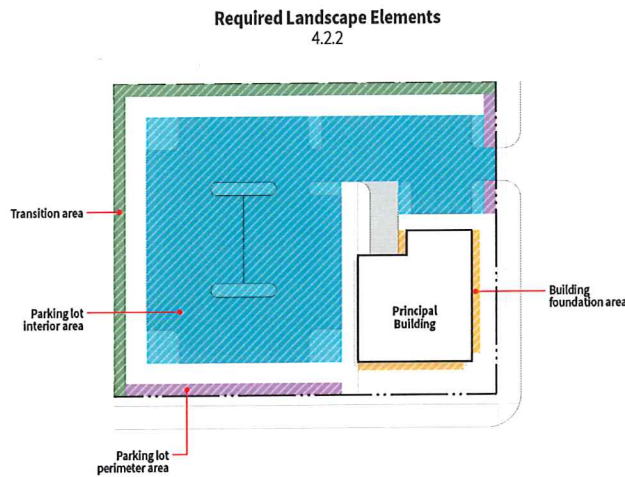


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4.2.2 - Screening-Required Landscape Elements

The graphic below illustrates the location of the landscape and screening requirements detailed in this section.



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1) Building Foundation Area

- a) A multi-family residential, non-residential, or mixed-use development is required to maintain a building foundation area at front and corner side yards of five feet (5') at a minimum.
- b) Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls. Foundation plantings shall respond to the windows and materials of the building.
- c) Foundation plantings shall be installed across sixty~~60~~ percent (60%) of the length of the façade of the building, except where walkways and driveways are located.
- d) A minimum four-foot-wide (4' wide) hedge row shall be planted with one (1) shrub every three feet (3') on center, spaced linearly. Foundation plantings may also include trees, additional shrubs, grasses, perennials, and groundcover.

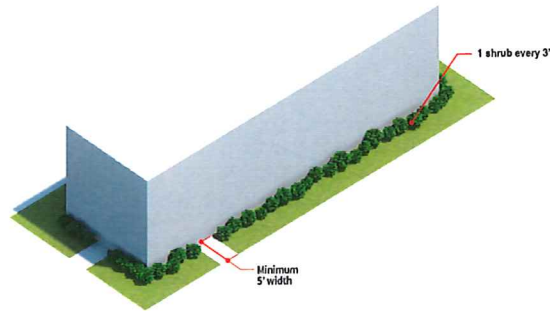
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Building Foundation Area
4.2.2(1)



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2) Parking Lot Perimeter Area

All parking lots shall include landscaping and trees located on the perimeter of parking areas as required by this section. Trees and landscaping required by this section shall be in addition to trees and landscaping required under other sections of this Ordinance. It is the objective of this section to provide screening between parking areas and street right-of-way.

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a) **Applicability.** The parking lot perimeter landscaping regulations of this section apply to all the following:

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i. The construction or installation of any new surface parking lot or vehicular use area that is adjacent to street right-of-way; and

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ii. The expansion of any existing surface parking lot or vehicular use area that is adjacent to street right-of-way, in which case the requirements of this section apply only to the expanded area.

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b) **Exemptions.** Installation of parking lot perimeter landscaping is not required when the parking lot or vehicular use area is not visible from adjacent street right-of-way.

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c) **Requirements.** Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot with a minimum depth of seven feet (7') as measured from the back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

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i. The landscape treatment shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. All perimeter parking lot screening areas shall be protected with raised concrete curbs. Landscaped areas outside of shrub and tree masses shall be planted in live groundcover. The landscaped area shall be improved as follows:

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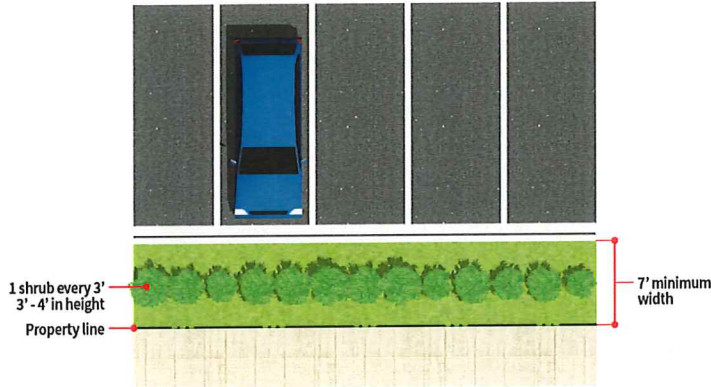
i. One (1) shrub the height of which shall not be less than three feet (3') nor greater than four feet (4'), shall be planted for every three feet (3') of landscaped area length, spaced linearly to adequately screen vehicle bumpers (ideally creating a solid hedge row).

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ii. Alternatively, a low pedestrian wall or fence the height of which provides effective screening to a maximum height of three feet (3') may be used in conjunction with required landscaping. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

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Parking Lot Perimeter Area 4.2.2(2)(c)



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3) Parking Lot Interior Area

All parking lots shall include landscaping and trees located within the parking area as required by this section. Trees required by this section shall be in addition to trees and landscaping required under other sections of this ordinance. It is the objective of this section to provide shade within parking areas, break up large expanses of parking lot pavement, and provide a safe pedestrian environment.

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a) **Applicability.** The parking lot interior landscape regulations of this section apply to all the following:

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- i. The construction or installation of any new surface parking lot containing 8 or more parking spaces; and
- ii. The expansion of any existing surface parking lot if the expansion would result in eight or more new parking spaces, in which case the requirements of this section apply only to the expanded area.

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b) **Requirements.** For parking lots consisting of 15 or more spaces, interior parking lot landscaping shall be required. For parking lots consisting of fewer than 15 spaces, all rows of parking shall be terminated by a parking lot island or landscaped area.

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c) **Amount.** One (1) parking lot island shall be provided between every 15 parking spaces. Parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required one (1) island for every 15 spaces. However, all rows of parking spaces shall be terminated by a parking lot island or landscaped area.

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d) **Size and Planting of Parking Lot Islands.** Parking lot islands shall be the same dimension as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row. A minimum of one (1) canopy tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two (2) canopy trees shall be provided.

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e) **Design of Planting Areas.** Parking lot islands or landscaped areas shall be at least one hundred and forty-four square feet (144 sq. ft.) in area and at least six inches (6") above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.

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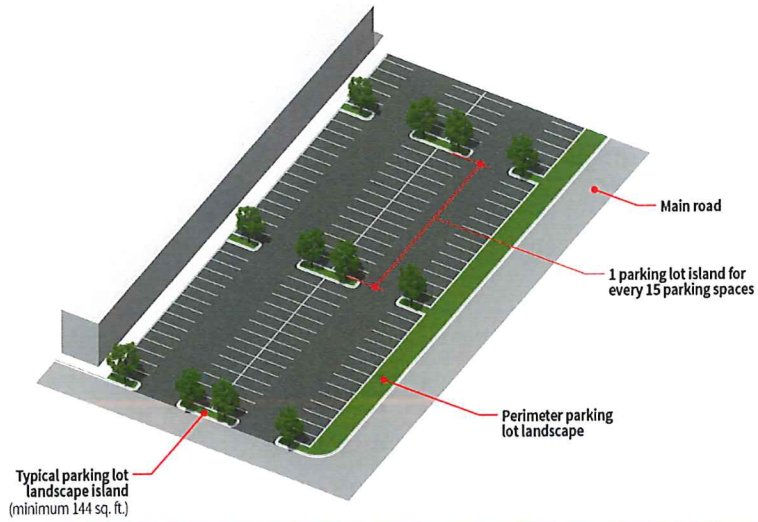
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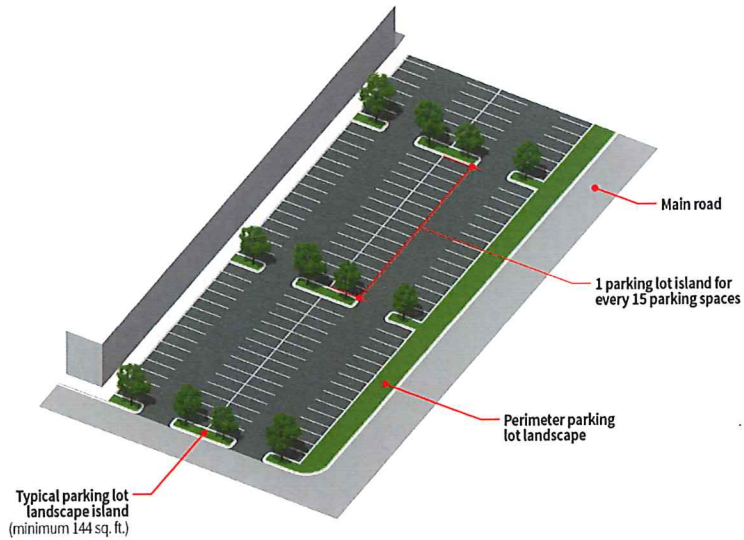
- f) Type of Landscape Material. Canopy trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, evergreen trees, shrubs, groundcover, and other plant materials may be used to supplement the canopy tree plantings but shall not create visibility concerns for automobiles and pedestrians.
- g) Groundcover. A minimum of seventy-five75 percent (75%) of every parking lot island shall be planted in groundcover.

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Parking Lot Interior Area
4.2.2(3)

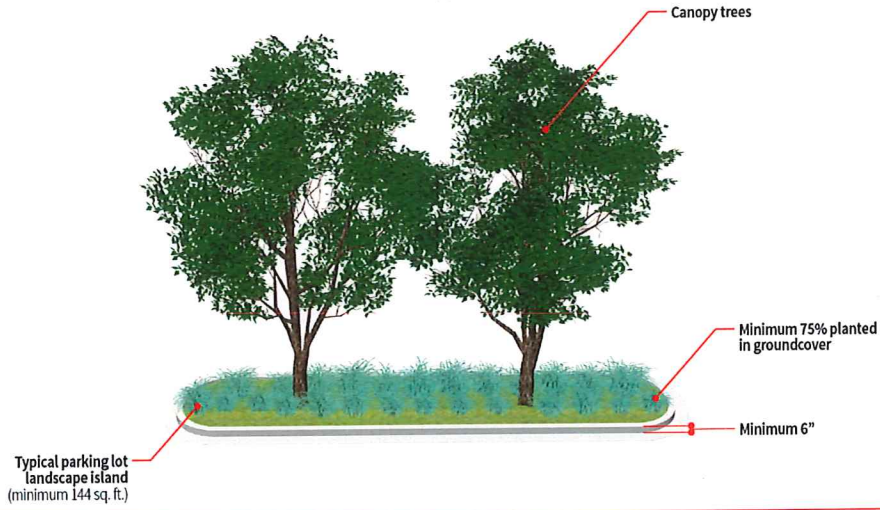


Parking Lot Interior Area
4.2.2(3)



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Typical Parking Lot Landscape Island (Double Row)
4.2.2(3)



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4) Transition Area

a) It is the objective of the transition area to minimize the land use conflicts between incompatible uses. It is not expected that the transition area will totally screen such uses. It is expected that the transition area design elements identified below will minimize land use conflicts and will enhance over time as landscaping matures. The transition area landscape regulations of this section apply along interior property lines in those instances expressly identified in this Ordinance and only to the following activities:

- i. The construction or installation of any new principal building or principal use; and
- ii. The expansion of any existing principal building or principal use that results in an increase in gross floor area or site area improvements by more than five percent (5%) or one thousand square feet (1,000 sq. ft.), whichever is greater. In the case of expansions that trigger compliance with transition area requirements, transition area landscaping is required only in proportion to the degree of expansion. The Public Works Director or his/her designee is authorized to allow the transition area to be established adjacent to the area of expansion or to disperse transition area landscaping along the entire site transition area.

b) Transition Area Types. Four (4) transition yard types are established in recognition of the different contexts that may exist, as shown in the table below. Transition yards may include a combination of elements including setback distances for separation, planting types, solid fencing, groundcover, and turf. When an alley exists between two (2) lots that would typically require a transition yard, the width of the alley can be used toward the required transition yard, provided that all required landscaping is provided for at least the first five (5) feet of the yard, or the remainder of the required transition yard, whichever is greater:

Specifications	Transition Area A	Transition Area B	Transition Area C	Transition Area D
Min. Yard Width [1] (feet)	3	8	10	15
Min. Fence/Wall Height (feet)	6	6	6	6
Min. Trees (per one hundred feet (100'))				
Ornamental	Not required	3	4	4
Canopy/Evergreen	4	3	4	5
Shrubs (per one hundred feet (100'))	Not required	Not required	20	30

[1] Yard widths calculated on the basis of average per one hundred feet (100'), provided that the yard width at any point may not be less than fifty percent (50%) of the minimums stated in the table. Required zoning district setbacks may be counted toward satisfying transition yard widths.

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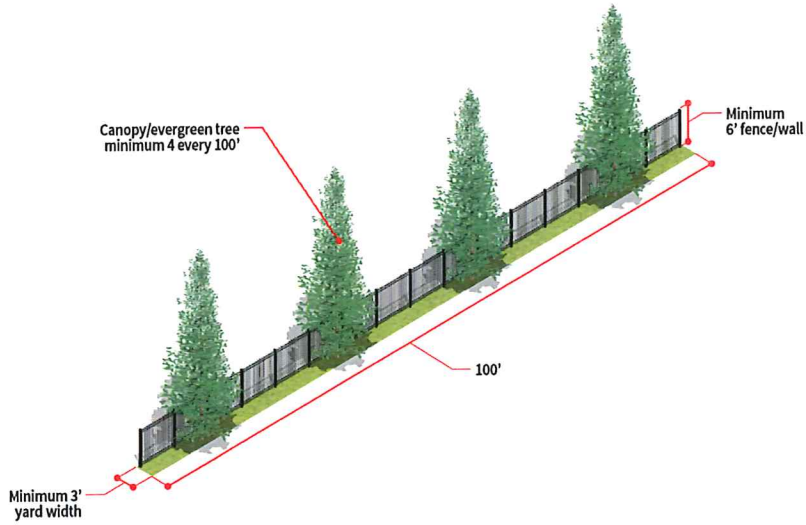
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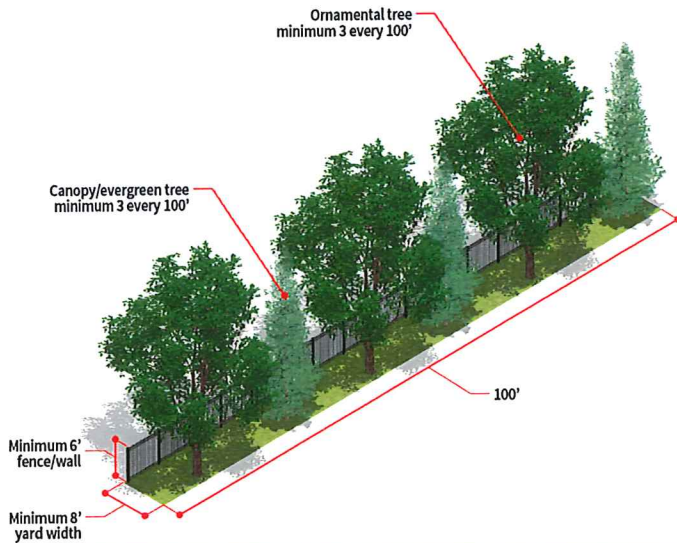
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Transition Area - Type A
4.2.2(4)



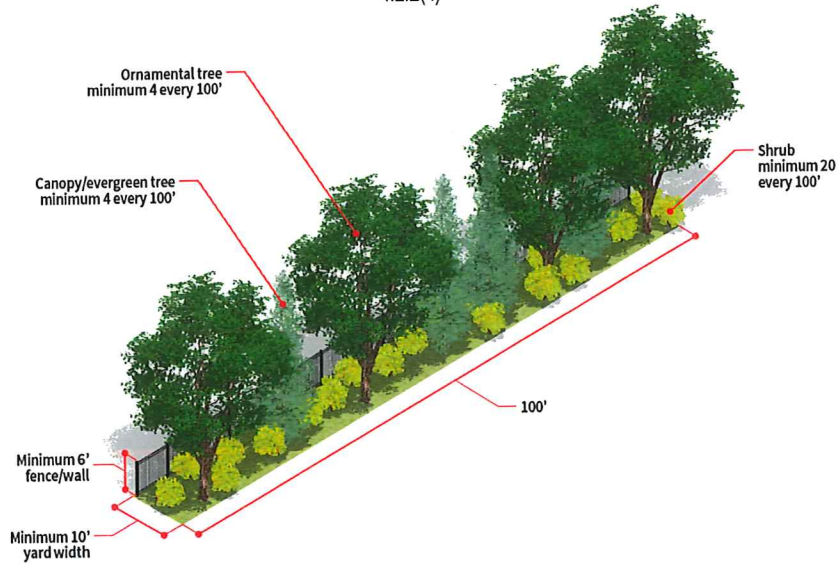
Transition Area - Type B
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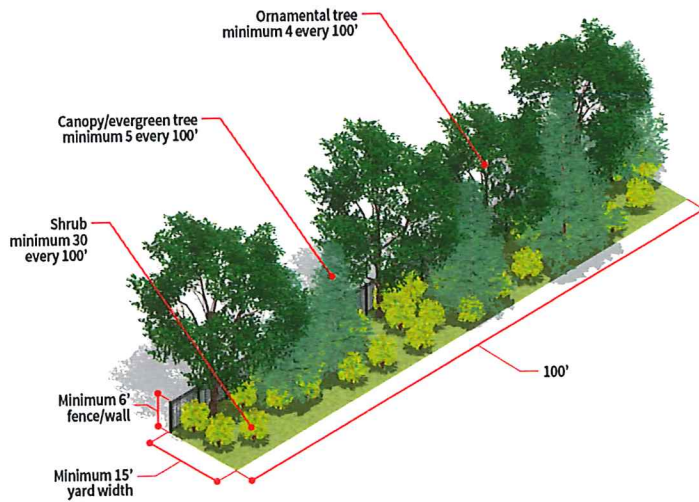
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Transition Area - Type C 4.2.2(4)



Transition Area - Type D 4.2.2(4)



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c) Application of Transition Area Types. Transition areas shall be provided based on the table below, except where adjacent uses are of a similar nature, scale, and intensity. As per the table, the type of required transition yard is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s). When the approved use of a lot would typically require a transition area of a certain type based on the table below, the Public Works Director or his/her designee may grant an Administrative Departure when a use is deemed not of a similar nature, scale, or intensity, but as a use with nominal impact on the character of uses in the adjacent zoning district. In this instance, the departure may be granted for one less intense type of area.

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Subject Lot Land Use	Adjacent Lot Land Use					
	<i>Open Space / Agriculture</i>	<i>Detached Single-Family</i>	<i>Attached Single-Family</i>	<i>Multi-Family</i>	<i>Business</i>	<i>Industrial</i>
<i>Open Space / Agriculture</i>	None Required					
<i>Detached Single-Family</i>	None Required	None Required				
<i>Attached Single-Family</i>	Transition Area A	Transition Area A	None Required			
<i>Multi-Family</i>	Transition Area B	Transition Area B	Transition Area A	None Required		
<i>Business</i>	Transition Area C	Transition Area C	Transition Area B	Transition Area B	None Required	
<i>Industrial</i>	Transition Area D	Transition Area D	Transition Area C	Transition Area C	None Required	None Required

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4.2.3 – 4.2.2.1 Screening Between Residential and Non-Residential Zoning Districts

Where a non-residential use adjoins a residentially-zoned property or property used for residential purposes in any district, the developer of the non-residential use shall provide the following screening within the required rear and/or side yard setback areas:

Within the setback area, there shall be a landscaped buffer planted with one (1) canopy tree for every thirty (30) lineal feet of common property line or planted with evergreen trees spaced so that such evergreen trees create a continuous visual screen within five (5) years after planting. Combination of canopy trees, evergreen trees, ornamental trees and shrubs are permissible and encouraged, provided that such landscaping, in the opinion of the enforcement officer, will effectively screen the non-residential uses from the view of the abutting residential zoned properties.

In addition, there shall be a neat, clean and maintained sight proof fence or wall having a minimum height of six (6) feet but not more than eight (8) feet. Where a loading area or access drive thereto is within fifty (50) feet of residentially-zoned property, the fence shall be eight (8) feet in height.

In situations where a residential subdivision (more than three (3) lots) is constructed on a site that is adjacent to commercially or industrially-zoned lot, the developer of the residential subdivision or development shall provide the following increase in setbacks and screening:

The minimum setback for the principal residential buildings shall be increased by fifteen (15) feet along the common property line separating the residential and commercial or industrial zoning district. A permanent buffer strip of a minimum of fifteen (15) feet shall be established adjacent to and parallel to the said common property line(s). This strip shall be indicated on the approved subdivision plat and/or development plan and annotated with the following statement: "This strip is reserved for landscape screening. The placement of buildings or other structures hereon is prohibited."

Within this buffer strip, there shall be a landscaped area planted with one (1) canopy tree for every thirty (30) lineal feet of common property line or planted with evergreen trees spaced so that such evergreen trees create a contiguous visual screen within five (5) years after planting. Combination of canopy trees, evergreen trees, and shrubs are permissible and encouraged, provided that such landscaping, in the opinion of the zoning enforcement officer, will effectively screen the non-residential property from the view of the residential subdivision or development.

In addition, there shall be a neat, clean, and maintained sight proof fence or wall having a minimum height of six (6) feet, but not more than eight (8) feet.

4.2.2.2 Screening of Building Mechanical or Electrical Equipment

Major mechanical and electrical systems should be located within the building envelope, if possible. In situations where this is not possible, the following screening standards shall apply to all building mechanical and electrical equipment located outdoors. Exception: Air conditioning units associated with individual residential dwellings need not comply with these screening requirements.

Ground-mounted equipment: Exterior equipment may be located at ground level, or depressed below ground level, so that the maximum height does not exceed eight (8) feet. The equipment shall not be visible between the ground level and six (6) feet above ground level of any street adjoining the property or from adjacent properties. Screening may be achieved with a wall that is consistent with and/or complementary to the exterior material of the principal building or with dense landscaping. In no case shall ground-mounted building equipment be located between the principal building and a public right-of-way or private street.

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Roof-mounted equipment: All rooftop building service equipment shall not be visible between the ground level and six (6) feet above ground level of any street adjoining the property or from adjacent properties. All mechanical equipment shall be screened by an integral element of the architectural design of the building or a separate permanently installed screen that harmonizes with the building in terms of material, color, size and shape. Rooftop equipment shall be permitted, without screening, if it is of a low-profile design and in a location on the roof that is not visible between the ground level and six (6) feet above ground level of any street adjoining the property or from adjacent properties.

4.2.2.3 Screening of Refuse Disposal Containers

All dumpster, compactor and sanitary container equipment shall be fully screened from public view. Screening shall be provided on all four (4) sides with a masonry fence (brick, stone, or textured and pigmented concrete, with an opaque gate made of metal or wood, but excluding chain link or wire, having a minimum height of six (6) feet but not more than eight (8) feet. Enclosures that blend into the overall site design are encouraged. All refuse or disposable items must be contained or placed in the dumpster, compactor and/or sanitary container.

Landscaping of Off-Street Parking Areas

Landscaping Requirements for Parking Areas Adjacent to Streets
Where a parking lot, having thirty (30) or more parking spaces, is adjacent to or is visible from any public or private street, the entire frontage along said parking area, excluding entrance drives, shall be landscaped as follows:

One (1) canopy tree and four (4) shrubs shall be planted for every thirty (30) feet of frontage, to be located within a strip of land paralleling the adjacent street and having a width of not less than ten (10) feet. Trees do not have to be placed thirty (30) feet on center. Strategic placement and grouping of trees and shrubs is encouraged. Incorporation of ground cover in the planting scheme is also encouraged.

Other than turf grass or ground cover, landscaping of ground paralleling the adjacent street shall be located outside of the street right-of-way. The zoning enforcement officer may permit required landscaping within the street right-of-way if it can be demonstrated that no reasonable alternative exists and that written authorization is provided by any affected public agency or utility company that has jurisdiction over the right-of-way or has easement rights.

A maximum of fifty (50) percent of the required number of trees may consist of ornamental trees. The enforcement officer may authorize an increase in this percentage where canopy trees may interfere with overhead wires.

The planning and zoning commission may grant up to a fifty (50) percent reduction in the required number of trees and shrubs if earth sculpting, berms, or decorative screening walls are installed on private property along the frontage of the adjacent street to a height of not less than three (3) feet above the grade of the parking area and are designed to effectively screen the parking area yet avoid erosion, drainage or maintenance problems. No landscaping, walls, or berm that exceeds twenty-four (24) inches in height shall be located within ten (10) feet of any parking lot access drive or otherwise located so as to interfere with the sight distance visibility of vehicular traffic or pedestrians.

Landscaping Requirements for Interior Areas

A parking lot, having thirty (30) or more parking spaces, shall be landscaped as follows:

One (1) canopy or ornamental tree shall be planted and maintained within the interior parking area for every four thousand (4,000) square feet of parking provided. In order to qualify as interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area. The landscaped strip, as required under paragraph (A) above, shall not qualify as an interior landscaped area, regardless of its width or depth.

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~~A maximum of fifty (50) percent of the required number of trees may consist of ornamental and/or evergreen trees.~~

~~Individual interior landscaped areas shall have a minimum area of least one hundred and seventy (170) square feet.~~

~~The ends of parking rows shall be provided with landscape planting areas.~~

~~Parking rows shall not exceed fifteen (15) spaces without the provision of a landscape planting area.~~

~~Protection of Landscaping~~

~~Landscaped areas shall be protected from the encroachment of motor vehicles by placing, along the entire perimeter of the landscaped area, a six-inch concrete curb or other curbing material approved by the zoning enforcement officer.~~

~~Installation and Maintenance of Landscaped Areas~~

- 1) Immediately upon planting, all trees shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc., as revised from time to time.
- 2) ~~{~~All new landscaped areas shall be installed prior to the occupancy or use of the building or premises, or substantial completion of the building so as to allow for occupancy; or if the time of the season or weather conditions is not conducive to planting, the Public Works Director or his/her designee may authorize a delay for such planting up to six (6) ~~(6)~~ months after occupancy or use of the buildings or premises. ~~Dead plant materials shall be replaced up to eighteen (18) months after the completion of constructing the landscaped area with living plant material, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscaping as initially approved. Dead plant materials shall be replaced within a sixty(60-day) (60-day) taking into consideration the season of the year and shall have at least the same quantity and quality of landscaping as initially approved.~~ If the particular project is constructed in more than one (1) phase, the ~~18-months~~sixty-day (60-day) ~~60-day~~ timeframe shall apply to each individual phase.
- 3) All landscaping and screening shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. The ground surface of landscaped areas shall be covered with either ~~grass-turf~~ and/or other types of pervious ground-cover located beneath and surrounding the trees and shrubs.
~~Any required landscaped area, greater than one hundred and fifty (150) one hundred and fifty (150 sq. ft.) square feet in area, shall be provided with an underground irrigation system or be provided with a portable water supply within fifty (50) fifty(50 feet (50')) of said landscaped areas.~~

4.2.4 – Existing Parking Lot Landscape

For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:

- 1) A new principal building or building addition is constructed, or exterior remodeling of the principal building occurs.
- 2) Over fifty(50 percent (50%) of the total area of an existing parking lot is reconstructed. Resealing or re-striping of an existing parking lot, which does not entail paving or resurfacing by replacement of the asphalt or concrete, shall not be subject to this requirement.
- 3) When an existing parking lot under ~~10,000~~ten thousand square feet (10,000 sq. ft.) in area is expanded by fifty(50 percent (50%) or more in total surface area.
- 4) When an existing parking lot over ~~10,000~~ten thousand square feet (10,000 sq. ft.) in area is expanded by twenty-five(25 percent (25%) or more in total surface area.

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4.3 Screening Requirements

4.3.1 - Screening of Trash and Recycling Receptacles

For all uses, except any individual lot occupied by a single-family or two-family dwelling, using a common trash receptacle and all nonresidential uses:

- 1) Solid material screening or full screening landscape on three (3) sides to a height that screens the containers, having a minimum height of six feet (6').
- 2) Materials used for screening shall complement the architecture of the principal structure. The use of materials that are not solid, such as slats in chain-link, shall not be used to meet this requirement.
- 3) Materials and elevations for enclosures that are attached to buildings shall be designed to be compatible integrated with into the main structure.
- 4) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
- 5) Enclosure openings directly visible from a public right-of-way and/or adjoining residential areas shall have a solid material gate. For larger enclosure areas, a separate gate access is encouraged.
- 6) Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round accessibility to the enclosure area for service trucks shall be maintained by the property owner or tenant.
- 7) Enclosures shall be of an adequate size to accommodate expected containers. It is encouraged to design the enclosure area to be expandable to accommodate future additional containers.
- 8) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, or other similar means.
- 9) Trash enclosures shall not be located within a required street front or street side setbacks or occupy area used for required parking spaces.

4.3.2 - Outdoor Storage and Display Area

- 1) All outdoor storage areas must be completely screened by an opaque masonry wall (stone, stucco, or brick) or a solid wood screen fence no less than five feet (5') and no more than six feet (6') in height. Where feasible, plant materials should be installed along the fence or wall located along the public right-of-way to provide a softening effect.
- ~~2) When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area must be effectively screened from view by an opaque masonry wall (stone, stucco, or brick), a solid wood or simulated wood screen fence or dense evergreen hedge no less than five feet (5') and no more than six feet (6') in height.~~
- 3) Growing areas for nursery stock located in the front or corner side yard are considered to meet screening requirements.

4.3.3 - Screening of Ground Mounted Mechanical Units

For all uses, except any individual lot occupied by a single-family, two-family, or three-family dwelling, all ground-mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from any adjacent public thoroughfare shall be visibly screened from public view. The screen shall be designed and established so that the area or element being screened is no more than ~~twenty~~ twenty percent (20%) visible through the screen.

4.3.4 - Screening of Roof Mounted Mechanical Units

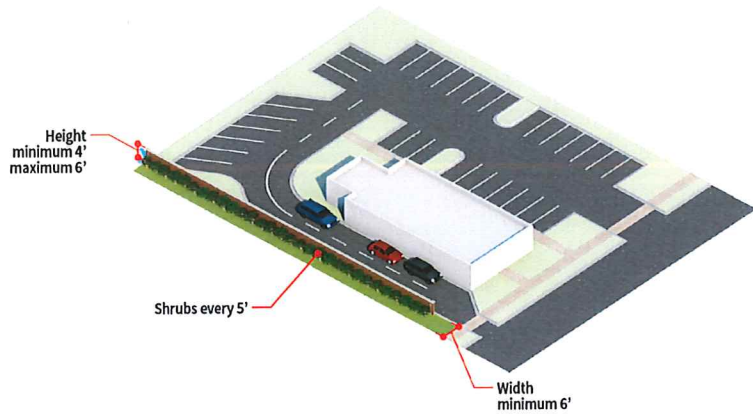
All roof-mounted mechanical units shall be screened from adjacent public thoroughfares using an opaque screening material compatible with the architecture of the building or architecturally designed screening such as a parapet wall. The screening of the roof-mounted units shall be designed to blend with the building and roof materials. Additional screening may be required due to topographic differences in the adjoining properties.

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4.3.5 - Drive-Through Facility

Drive aisles of drive-through facilities must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening must be approved during the site plan review process, be a minimum of six feet (6') in width, and must consist of an opaque masonry wall (stone, stucco, or brick), a solid wood or simulated wood screen fence with a minimum height of four feet (4') and a maximum height of six feet (6'). Small shrubs must be installed every five feet (5') along the exterior of the fence or wall to provide a softening effect.

Drive-Through Facility Screening
4.3.5



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4.4 Fence Regulations

4.4.1 - Permit Required

Except for fences approved under the conditional use permit procedure or planned development procedure, a permit issued by the Public Works Director or his/her designee shall be required for the construction of a fence. Said permit shall be issued upon determination by the Public Works Director or his/her designee that the proposed fence installation complies with the requirements of this section.

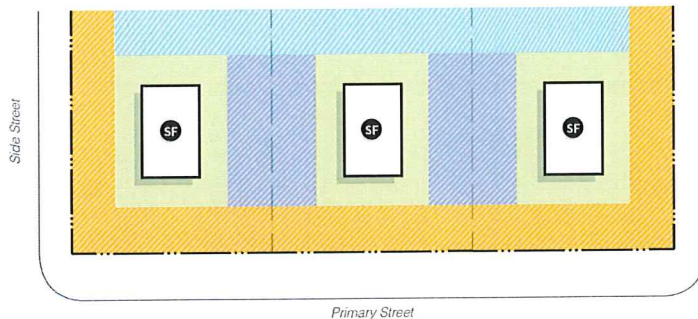
4.4.2 - Fence Height and Location

1) Residential Districts

- a) **Interior lots:** Fences, having a height of not more than six (6)-feet (6'), are permitted in the rear yard and side yards, provided that a fence, greater than four (4)-feet (4') in height, ~~that is~~ located in a side yard shall not extend beyond either the established front face of the principal building on the lot or the principal building on an adjoining lot, whichever is closest to the street.
- b) **Corner lots:** Fences, having a height of not more than six (6)-feet (6'), are permitted in the rear and side yards, provided that a fence, greater than four (4)-feet (4') in height, shall not extend beyond either the established front face (oriented to either street) of the principal building on the lot or the principal building on the adjoining lot, whichever is closest to the street.
- c) **Through lots:** Fences, having a height of not more than six (6)-feet (6'), are permitted in the yard adjacent to the right-of-way that does not serve as the access to the lot and for all intents and purposes is used as the "rear" yard, provided that fences greater than three (3)-feet (3') in height shall not extend beyond the established front building line of a lot fronting onto such right-of-way and located within the same block, or the minimum front building setback line of such lot, if not developed.
- d) **Front yards:** Fences, having a height of not more than four (4)-feet (4'), are permitted in front yards, provided that such fences shall be of non-sight barrier construction (e.g., post and rail fences) a minimum of ~~fifty~~50 percent (50%) of which shall be open. ~~Such fences shall comply with the requirements of Section 5.16 of this ordinance.~~

Residential Fence Location

4.4.2(1)



- Front yard
4' maximum height
50% open
- Rear yard
6' maximum height
- Side yard
6' maximum height
- SF Single-family residential

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2) **Non-Residential Districts.** In any non-residential district, no fence shall exceed six ~~(6)~~ feet ~~(6')~~ in height except as otherwise provided for in this Ordinance. In non-residential districts, fences are permitted in any yard, with the following limitations:

- a) Except for the ~~PD-LI~~ district, fences in the front yard shall be limited to low masonry walls of architectural quality (brick, stone, or textured and pigmented concrete). The height of such fences shall not exceed four ~~(4)~~ feet ~~(4')~~ in height except columns, that are integral to the fence design, may exceed four ~~(4)~~ feet ~~(4')~~.

4.4.3 - --Exceptions

- 1) Recreational courts may be bounded by an an open (no slats) chain link fence up to ~~ten (10)~~ ~~ten±0~~ feet ~~(10')~~ in height, provided that such fences be located at least ~~twenty (20)~~ ~~twenty20~~ feet ~~(20')~~ from any abutting residential property. Such fences in any residential district shall be located within the rear yard.
- 2) Fences (or walls), used as a decorative feature and/or as a backdrop to an identification sign for a subdivision or planned development entrance, may exceed the above stated maximum heights, subject to the requirements and procedures of the city's sign regulations in Section 6 of this UDO. ~~(see Appendix D, City of Sunset Hills Code of Ordinances).~~

4.4.4 - -- Fence Materials

- a) Except as otherwise provided for in paragraph ~~(B)2~~ below, fence material shall be that which is designed and intended for use in fence installations, including decorative masonry (e.g., brick, stone, or textured and pigmented concrete). All wire, chain link, or -Makeshift material such as 2" x 4" lumber and plywood ~~is shall be prohibited not permitted~~, except for temporary protective barriers on properties undergoing construction or demolition activities. All fences shall be maintained in a structurally sound condition and otherwise in a neat and clean appearance.
- b) All wire and chain link, barbed or razor wire shall not constitute any part of a fence in any district, except when used to screen recreational courts or as may be approved by board Board of aldermen Aldermen in a PD-LI the LI district.
- b)c) Minor maintenance and repair of existing chain link fence shall be permitted.

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4.4.5 - -- Fences Surrounding Swimming Pools

Swimming pools shall be ~~completely surrounded~~ surrounded with a protective barrier in accordance with Saint Louis County Building Code as amended from time to time.

4.4.6 - -- Fences at Street Intersections

Fences, at or near street intersections or access private drives, shall be erected or placed in such a manner as to materially obstruct or impede vision between a height of two and one-half (2.5) and ten (10) feet above the center line grades of the intersection streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twelve (12) feet from the point of intersection.

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4.5 – Permitted Encroachments.

No obstructions shall be permitted in any yard required by this title. However, the following shall not be considered obstructions when located in the required yards specified, subject to the applicable requirements of Table 4.5 below.

TABLE 4.5: PERMITTED ENCROACHMENTS

Encroachment	Front Yard	Side Yard	Rear Yard
Accessory buildings and uses as provided in Section 4.6 of this title	No	No	Yes
Advertising signs, devices, and nameplates in accordance with Chapter 3 of this title,	Yes	No	No
Agricultural use	Yes - Excludes buildings & structures		
Air conditioning compressors	Yes	Yes	Yes
Arbors, trellises, trees, shrubs, and similar landscaping features	Yes	Yes	Yes
Awnings or canopies	Projecting \leq twenty-five percent (25%) of required yard depth		
Bay windows	Projecting \leq three feet (3') into required yard	No	Projecting \leq three feet (3') into required yard
Canopies over fuel pumps; fuel, air, and water pumps in conjunction with automobile service stations	Set back \geq thirteen feet (13') from front lot line	No	No
Chimneys	Projecting \leq two feet (2') into required yard		
Detached residential garages and carports	No	No	Yes
Eaves and Gutters	Yes	Projecting \leq two feet (2') into required yard	Yes. Accessory structure eaves & gutters set back \geq two feet (2') 2-ft from lot line.
Fences as provided in Section 4.4 of this title	Yes	Yes	Yes
Off-street parking facilities as provided in 4.1 of this title	No	Yes	Yes
Balconies, open porches, terraces, and decks attached to the primary structure	Projecting \leq less than or equal to ten feet (10') into required yard	No	Yes
Refuse storage areas (dumpsters)	No	Yes ¹	Yes
Sills, belt cornices, and other similar architectural features	Extending \leq eighteen feet (18') into required yard		
Steps, fire escapes, ramps necessary for access	Yes	Yes	Yes
Swimming pools, tennis courts and other similar recreational facilities	No	No	Yes
Storage buildings permitted as accessory structures	No	No	Yes
1. If in side yard, must be screened from view from public and/or private streets, as approved by the Public Works Director or his/her designee.			

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4.6 – Building Coverage Exceptions

Building coverage may be increased up to fifty (50) percent only upon approval of a variance by an affirmative vote of the members of the board of adjustment pursuant to the procedures and requirements of Section 9 of this ordinance.

Height Exceptions

Penthouses or roof structures, structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures may be erected above the height limits prescribed in the district regulations, subject to the limitations hereinafter provided. Subject to approval by the planning and zoning commission, penthouses, or any other structures herein referred to may be erected to any safe and otherwise lawful height above the height of the building, but shall not exceed sixteen (16) feet. All rooftop structures shall be screened in accordance with the requirements of Section 5.13-3 of this ordinance.

Setback Exceptions

General Setback Exceptions

Every part of a yard between the property lines and the required building setback line shall be unoccupied and unobstructed by any structure or portion of a structure from ground level of the graded lot upward, except for:

All yards:

Hedges, flagpoles and other customary yard accessories and ornaments are permitted in any yard subject to location and size limitations, height limitations and requirements limiting obstruction of visibility contained in this ordinance.

Steps, ramps, or wheelchair lifts, four (4) feet or less above grade, which are necessary for access to a permitted building or structure, or for access to a lot from a street or alley. Guardrails, not exceeding forty-two (42) inches above the walking surface, are permitted as well.

Awnings and canopies, projecting three (3) feet or less into the required yard setback.

Ordinary projections of chimneys or other vent pipes that are suitably concealed, projecting eighteen (18) inches or less into the required yard setback.

Fences, subject to the requirements of Section 5.14, "Fence Regulations."

Off-street parking areas and access drives (see Section 6 for limitations on the location for such areas).

Traffic control devices, pad-mounted transformers, service pedestals, splice boxes and similar appurtenances required for underground utility and cable systems.

Modular or timber retaining walls.

Front yards:

An open, unenclosed porch or paved terrace without a roof or canopy may project into a front yard for a distance not exceeding ten (10) feet, but excluding porches which may be enclosed by removable windows, or fixed canopies.

One-story bay windows projecting three (3) feet or less into the required front yard setback.

Overhanging eaves and gutters projecting four (4) feet or less into the required front yard setback.

Signs, subject to the regulations contained in Appendix D, City of Sunset Hills Code of Ordinances.

Rear yards:

An elevated deck, covered or uncovered, provided that such deck shall not be enclosed nor shall extend into the required rear yard setback by more than ten (10) feet.

Accessory buildings, detached from the principal building, and located more than ten (10) feet from the principal building.

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Antennae (receive only home or business television antennae) and satellite earth station antennae less than two (2) meters in diameter.

One-story bay windows projecting three (3) feet or less into the required rear yard setback.

Overhanging eaves and gutters projecting four (4) feet or less into the required rear yard setback.

Children's recreational equipment.

Laundry drying lines.

Air conditioning equipment.

Side yards:

Overhanging eaves and gutters projecting into the required side yard setback for a distance not to exceed twenty-four (24) inches.

Air conditioning equipment located not less than two (2) feet from the edge of the building and not less than two (2) feet from the side lot line.

Setbacks Established by Recorded Subdivision Plat

Where a recorded subdivision plat establishes a building setback line that is greater than that required by the applicable district regulations, the recorded subdivision setback requirement shall be the minimum setback.

Accessory Uses, Buildings, and Structures.

4.6.1 – Permitted Accessory Uses, Buildings, and Structures

A permitted accessory use is any use or structure which complies with the definition of "Accessory Use, Building, or Structure, Permanent" or "Accessory Use, Building, or Structure, Temporary" contained in Section 15, "Definitions," including but not limited to, the following typical uses:

TABLE 4.6-1: PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory Use, Building, or Structure	Permanent	Temporary	Reference
Antennae (receive only home or business television antennae) and satellite earth station antennae less than two (2) meters in diameter;	X		
Apiaries	X		
Chicken coops;	X		
Children's playhouses;	X		
Garages;	X		
Gardens;	X		
Outdoor swimming pools and hot tubs;	X		
Private recreation facilities, including tennis courts, provided that such facilities shall not be lighted if located in any residential district;	X		
Stables located within a residential district, if they are located on lots containing two (2) acres or more of open space per horse and where such open space is fenced and available to the horses.	X		
Statuary, arbors, trellises, barbecue stoves, and dog houses.	X		
Temporary portable outdoor storage units		X	5.109
Seasonal outdoor sales ¹		X	
<i>1: Seasonal outdoor sales must be approved through a Seasonal Outdoor Sales Permit issued by the Director of Public Works or her/his designee.</i>			

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4.6.2– Location, Dimensional, and Other Requirements

1) Residential and Planned Developments with Residential Uses

- a) All accessory structures shall be located a minimum of ten feet (10') from the principal building.
- b) Any accessory structures not located entirely in the required rear yard must comply with the side yard setback requirements of the primary structure and, shall not be closer than five feet (5') from the rear property line, and not located between the primary structure and the front lot line or the lot line adjacent to the street for corner lots.
- c) All accessory structures and uses located entirely in the required rear yard setback shall not be closer than five feet (5') from the property line.
- d) No accessory structure or portion thereof shall be located in the required side or front yards.
- e) When an existing principal structure has a substandard side yard setback, then the side or rear setback for the accessory structure or use shall not be less than the side setback of the principal building.
- f) Where an accessory structure is structurally attached to the principal building, it shall comply with the setback requirements that apply to the principal building.
- g) The architectural style of garages shall complement the principal building and shall not exceed the height of the principal building or ~~twenty-four (24)~~ ~~eighteen~~ 18 feet (18'), whichever is less. ~~No garage shall be greater than one thousand two hundred square feet (1,200 sq. ft.).~~
- h) A structure for storage or a greenhouse, that is accessory to a single-family residential building, shall not exceed ~~two hundred fifty (250)~~ ~~two hundred and fifty~~ 250 square feet (250 sq. ft.) in gross floor area nor exceed ~~eighteen (18)~~ ~~eighteen~~ 18 feet (18') in height.
- i) ~~No more than two (2) (2) temporary storage structures per residential lot are permitted for lots ranging in size from four thousand three hundred fifty six (4,356) 4,356 four thousand three hundred and fifty six square feet (4,356 sq. ft.) to eighty seven 87,119 thousand one hundred nineteen (87,119) eighty seven thousand one hundred and nineteen square feet (87,119 sq. ft.) in R-1, R-2, R-3, R-4, R-5, R-6 or NU Districts any residential district. For lots of two (2) (2.0) acres or more, two (2) (2) additional temporary storage structures shall be permitted for each full increment of forty three thousand five hundred and sixty forty three thousand five hundred sixty (43,560) 43,560 square feet (43,560 sq. ft.) of land area.~~

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2) Non-Residential Districts

- a) All accessory structures and uses shall be located behind the front of the principal building.
- b) No accessory structure or use shall be located closer to the side or rear property line than the side yard setback dimension established for the particular zoning district.
- c) Parking structures, whether attached to or detached from the principal building, shall comply with the setback requirements for the principal building.
- d) No outdoor display of merchandise is permitted, except for a business in premises of at least ~~one hundred thousand (100,000)~~ ~~100,000~~ one hundred thousand square feet (100,000 sq. ft.) located in a ~~shopping center in a PD District~~ ~~planned commercial development, thirty five (35)~~ ~~thirty five~~ 35 (35) acres or more in area. Further, said display shall be limited to seasonal merchandise only. Outdoor sales and display for such a business may occur on the sidewalk area immediately in front of such business, limited to the free space, not including a six-foot (6') wide pedestrian walkway. Outdoor sales and displays for such a business may occur in a portion of the parking lot proximate to such business, subject to ~~conditional use permit~~ ~~Board~~ approval and provided that no more than ~~forty four (44)~~ ~~twenty~~ 20 percent (20%) of required parking spaces be utilized for such outdoor sales and displays.

3) Other Use Limitations

- a) No accessory structure shall be ~~constructed and occupied~~ ~~allowed~~ on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

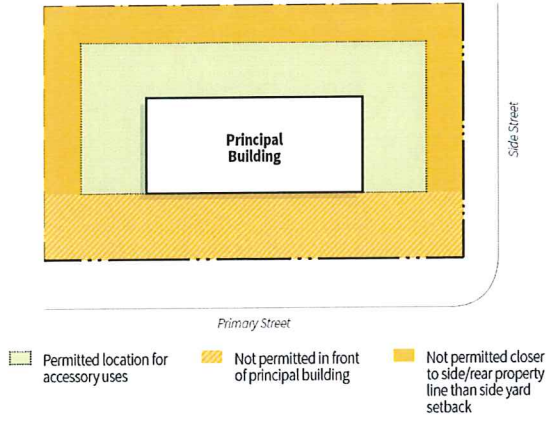
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- b) Accessory uses customarily incidental to residential uses, such as the use of a lot or portion thereof of a lot for a vegetable or flower garden and the keeping of domesticated animals are permitted, but not on a commercial basis or that creates a nuisance to adjacent or nearby residents.
 - No garage, attached or detached, shall be used for, or converted to habitable space.
- c) _____

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Non-Residential Accessory Uses and Structures Permitted Location
4.6.2(2)



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Number of Principal Buildings on a Lot.

Except for detached one-family and two-family dwellings, more than one ~~(1)~~ principal building may be located on the same lot provided that density and dimensional requirements of this Ordinance shall be met for each principal building as though they were on individual lots.

4.8 – Conformity with Dimensional and Off-Street Parking Regulations.

- 1) ~~The~~ maintenance of yards, other open space and minimum lot area required for a structure shall be a continuing obligation of the owner of such property on which it is located as long as the structure is in existence.
- 2) No required yards, other open space, or minimum lot area allocated to any structure, shall be used to satisfy required yards, other open ~~spaces~~ spaces, or minimum lot area requirements for any other structure.
- 3) There shall be no obstructions permitted in required yards except as ~~hereinafter~~ set forth ~~in this~~ Ordinance.
- 4) Except as provided for in Section ~~64.1~~, "Off-Street Parking and Loading Requirements," no required off-street parking area required for a use on a lot shall be used to satisfy the required off-street parking for a use of another lot.

4.9 – Building Grades.

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building but in such a manner as not to cause runoff of surface water to cause damage to adjacent properties.

4.10 – Home Occupations.

Home occupations may be permitted as an accessory use to a residential use in any district subject to the requirements of this section.

4.10.1 – Restrictions and Limitations

- 1) The use of the dwelling for a home occupation shall be incidental and subordinate to its use for residential purposes by its occupants.
- 2) ~~No alteration of the exterior of the principal residential building shall be which changes the character thereof as a residence, or presents other visible evidence of conduct of the home occupation. The exterior of the principal residential building shall not be altered in a manner which changes the character of the building as a residence or otherwise presents visible evidence of conduct of the home occupation.~~
- 3) Home occupations shall not be permitted to have signs of any type.
- 4) The outdoor storage, storage in garages or in unattached buildings, of materials or equipment used in home occupation is prohibited. No storage of toxic or flammable materials used in home occupations are allowed except such as is normally used for purely domestic or household purposes.
- 5) No equipment shall be utilized that creates a nuisance due to odor, ~~vibration~~ vibration, or noise. No electrical interference of fluctuation in line voltage beyond the property line of the lot upon which the home occupation is conducted shall be permitted.
- 6) No person shall be engaged in a home occupation that creates a hazard to person, ~~property~~ property, or the environment.
- 7) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence.

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- 8) No generation of parking, traffic, sewerage, or water use beyond that required for normal occupation of the residence shall be allowed. Any vehicle used in the home occupation, which has advertising ~~displayed on it~~~~thereon~~, cannot be parked on the street.

4.10.2 – Permit Required

No home occupation shall be conducted until a home occupation permit is issued by the Public Works Director or his/her designee. Such permit shall be issued upon determination by the director that the proposed use complies with all of the requirements of this section. The permit shall be issued only to the individual occupying a dwelling as his/her residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner.

4.10.3 – Business License Required

Upon issuance of a home occupation permit, the person or business named on such permit shall obtain a business license from the City Clerk, in accordance with Chapter 15 of the Code of Ordinances of the city.

4.10.4 – Prohibited Home Occupations

In addition to the restrictions and limitations to home occupations detailed in 4.10.1 the following occupation types are prohibited.

- 1) Any home occupation that involves the congregation of two ~~(2)~~~~(2)~~ or more clients, subcontractors, or other persons engaging in business activity at the residences;
- 2) Animal hospitals;
- 3) Automotive repair;
- 4) Barber shops and beauty parlors;
- 5) Dance studios;
- 6) Mortuaries;
- 7) Nursery schools;
- 8) Private clubs;
- 9) Restaurants;
- 10) Stables; and
- 11) Lodging, including bed and breakfasts.

4.11 – Visibility at Intersections.

On any corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially obstruct or impede vision between a height of ~~two and one-half (2½)~~~~two and one-half (2.5')~~~~2.5~~ and ~~ten (10)~~~~ten (10)~~ feet ~~(10')~~ above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines ~~twelve (12)~~~~twelve (12)~~ feet ~~(12')~~ from the point of intersection.

4.12 – Performance Standards.

No building or structure shall be used, erected, structurally altered, ~~enlarged~~~~enlarged~~, or maintained, unless it shall be in conformity with the St. Louis County Performance Standard Regulations as those Ordinances are ~~hereafter~~ amended ~~from time to time~~.

4.13 – Storage, Dumping of Waste, Junk, Garbage, Etc.

The use of land for the storage or collection or accumulation of used lumber and other used materials, or for the dumping or disposal of scrap iron, junk, garbage, derelict automobiles, ~~rubbish~~~~rubbish~~, or other refuse or of ashes, slag or other industrial wastes or by-products is prohibited. The dumping of dirt, sand or rock material excavated

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from the earth is permitted in any district ~~for the purpose of~~ fill, provided the surface of such material is graded within a reasonable time as determined by the Public Works Director or his/her designee in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in a district. A temporary certificate from the Public Works Director or his/her designee shall first be obtained, specifying the area and amount of fill, quality of the material to be used for the fill and ~~manner in which~~ way fill is to be completed.

4.14 – Removal of Soil, Sand, or Other Material.

The use of land for removal of topsoil, sand, ~~gravel~~ gravel, or other material from the land is permitted in any district, solely under a temporary certificate from the Public Works Director or his/her designee, and on condition that such removal of soil will not be below the normal building grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the Public Works Director or his/her designee. A temporary certificate may be issued in appropriate cases upon filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to ~~collect, or collect~~ or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the appropriate City officer and a building permit has been issued and a contract let for said building development.

4.15 – Excavation of Holes.

The construction, maintenance, or existence of any unprotected, unbarricaded open or dangerous excavations, holes, pits, or wells, or of any excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare are ~~hereby~~ prohibited; provided, however, this section shall not prevent any excavation under a permit issued under this Ordinance or the building code of the City of Sunset Hills, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Public Works Director or his/her designee.

4.16 Wireless Communications Facilities and Support Structures

All wireless communications facilities and support structures shall follow the regulations of Ordinance No. 2120 and 2123 of the City of Sunset Hills.

~~4.16.1 – Purpose.~~

~~The general purpose of this section is to regulate the placement and construction of wireless communications facilities and 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 telecommunications marketplace in the City of Sunset Hills. Specifically, this section is intended to:~~

- ~~1) Provide for the appropriate location and deployment of wireless communications infrastructure to serve citizens and businesses in the City of Sunset Hills and the metropolitan St. Louis area;~~
- ~~2) Minimize adverse visual impacts of wireless facilities and support structures through the 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) Comply with applicable law including the Federal Telecommunications Act of 1996, 47 USC 332, and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, 67.5090 et seq. RSMo.~~

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4.16.2 — Time Limits and Fees

- 1) ~~Time limits:~~ All applications regarding wireless facilities and support structures shall be processed in accordance with the time limits established by sections 67.5090 to 67.5103-RSMo.
- 2) ~~Fees:~~ Fees for applications regarding wireless facilities and support structures shall not exceed the limits established by sections 67.5090 to 67.5103-RSMo.

4.16.3 — General Requirements

The requirements set forth in this section shall be applicable to all wireless facilities and support structures installed, built or modified after the effective date of this Ordinance to the full extent permitted by law.

1) — Principal or Incidental Use

Wireless facilities and support structures may be either a principal use in all zoning districts or an incidental use to existing institutional or nonresidential uses, subject to any applicable district requirement relating to yard or setback.

2) — Building Codes and Safety Standards

All wireless facilities and support structures shall be constructed and maintained in compliance with all standards contained in applicable state and local building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering. In addition to any other approvals required by this section, no wireless facility or support structure shall be erected prior to the issuance of a building permit.

3) — Regulatory Compliance

All wireless facilities and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate such facilities and support structures. Should such standards or regulations be amended, then the owner shall bring such facilities and support structures into compliance with the revised standards or regulations within the time period mandated by the controlling agency.

4) — Lighting

Wireless facilities and support structures shall not be illuminated at night unless required by the FAA or other state or federal agency, in which case a description of the required lighting scheme will be a part of the application. Accessory equipment may have lighting only as approved by the Director on the approved site development plan or by the ~~Board of aldermen~~ Aldermen in the case of a conditional use permit.

5) — Advertising

Other than a disguised support structure in the form of an otherwise lawfully permitted pylon sign, ~~the placement of advertising on wireless support structures is prohibited.~~

6) — Design

- a) ~~Wireless support structures shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any other applicable state or federal 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 and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facilities are located.~~
- c) ~~Wireless support structures shall not exceed a height of one hundred (100) one hundred100 feet (100') AGL and further shall not exceed the height limitation of any airport overlay zone as may be adopted by the city.~~
- d) ~~Antennae attached to a building or disguised support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.~~

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- e) ~~Wireless facilities shall be screened by appropriate landscaping and/or fencing. All wireless support structures shall be surrounded by a minimum six-foot (6') high decorative wall constructed of brick, stone or comparable masonry materials and a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet (6'). The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Director in the case of a permitted use or use permitted by administrative permit, or by the board Board of aldermen Aldermen in the case of a conditional use permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved. In the event the support structure is being located on property within any residential, PD-R, PD-RC or the residential portion of a PD-MXD or PD-LS or mixed-use zoning district, the consent of the property owner shall be achieved as to the type and degree of screening. If an agreement with the property owner cannot be achieved as to the type and degree of screening, relief may be sought through the board Board of aldermen Aldermen to decide the type and degree of screening. Evidence shall be presented that negotiations with the property owner have taken place in good faith with no agreement being able to be achieved.~~
- f) ~~All wireless support structures shall be separated from any off-site single or two-family residential structure a distance at least equal to the height of the support structure plus ten feet (10'). Support structures on parcels adjacent to residentially-zoned property shall meet the setbacks of the applicable zoning district as are required for a principal structure along the adjoining property line(s). Where adjacent to nonresidential zoned property, support structures shall meet setbacks as are required for accessory structures.~~
- g) ~~Ground anchors of all guyed support structures, if permitted, shall be located on the same parcel as the support structure and meet the setbacks of the applicable zoning district.~~
- h) ~~Vehicle or outdoor storage on the site of wireless facilities or support structures is prohibited.~~
- i) ~~On-site parking for periodic maintenance and service shall be provided at all locations of wireless facilities and support structures as deemed necessary by the Director or by the Board of Aldermen in the case of a conditional use permit.~~
- j) ~~All wiring to or from wireless facilities located more than five (5) feet (5') from the nearest building wall shall be underground.~~

7) Permitted Use

The placement of the following types of wireless facilities and support structures is permitted in all non-residential zoning districts by issuance of a building permit:

- a) ~~Collocation and replacement applications, provided that no permit may be issued for collocation to a certified historic structure as defined in section 253.545 RSMo until at least one (1) public hearing has been held by the Director within thirty (30) 20 days prior to issuance. The dDirector shall provide public notice of such public hearing in the same manner as required for proposed zoning code changes. Such applications are subject to General Condition 5.21 4(B) 4.16.3 of this section, but no other zoning or land use requirements, including design or placement requirements, or public hearing review.~~
- b) ~~The mounting of wireless facilities on any existing building or structure other than a single-family residence or a building constructed primarily for the support of antenna, provided that the presence of the facilities is concealed by architectural elements or satisfactorily camouflaged by painting a color identical to the surface to which they are attached.~~
- c) ~~The mounting of antennae on an electrical transmission tower, but not exceeding the height of such tower by more than ten (10) ten 10 feet (10').~~

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8) Authorization by Administrative Permit

The placement of the following types of wireless facilities and support structures is permitted in all zoning districts by administrative permit approved by the Director and issuance of building permits:

- a) The construction of a disguised support structure and related wireless facilities provided that all related equipment shall be placed underground or concealed within the structure when the structure is located in any residential district, PD-R, PD-RC or the residential portion of a PD-MXD or PD-LS zoning district.
- b) Wireless support structures erected and maintained for a period not to exceed ~~thirty (thirty)~~ 30 calendar days for the purpose of replacement of an existing support structure, testing an existing or proposed network, or special events requiring such temporary facilities.
- c) Application procedures: Applications for administrative permits shall be made on the appropriate forms to the Director and accompanied by payment of the established fee.
 - i. A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements including buildings, drives, walkway, parking area and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the existing or proposed support structure.
 - ii. The application shall be reviewed by the department of public works to determine compliance with the applicable standards, which department shall transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facilities and/or support structures.
 - iii. The Director shall issue a decision on the permit within applicable time limits. The Director may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this section and applicable law. The Director may consider the purposes of this section and the factors established herein for granting a conditional use permit as well as any other considerations consistent with this Ordinance and applicable law. A decision to deny an application shall be made in writing, and writing and state the specific reasons for the denial.
- d) Appeals: Appeals from the decision of the Director shall be made in the same manner as otherwise provided for the appeal of administrative decisions.

9) Conditional Use Permit Required

All applications for wireless facilities and support structures not permitted by Section 5.21-5 or 5.21-6 ~~4.16.3~~ above, shall require the approval of a conditional use permit pursuant to the procedures and requirements of Section 9 of the City Zoning Code and issuance of building permits.

Applications for conditional use permits shall be filed and processed subject to and in the manner established in Section 9 of the City Zoning Code. A decision by the board ~~Board~~ of aldermen Aldermen shall be accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others.

The applicant shall provide an analysis to demonstrate that no existing towers, structures ~~structures~~, or buildings within the necessary geographic area for the Applicant's tower meet the Applicant's necessary engineering requirements considering:

- a) Height;

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- b) ~~Structural strength;~~
- c) ~~Resulting signal interference;~~
- d) ~~Feasibility of retrofitting;~~
- e) ~~Feasibility of redesigning the Applicant's tower network; or~~
- f) ~~Other limiting conditions that render existing towers, structures, or buildings within the Applicant's required geographic area unsuitable.~~

~~10) No Longer in Use~~

~~Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense. 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 ninety (ninety (90)90) days from the date of ceasing operations to remove the facility and/or support structure. In the case of co-use, this provision shall not become effective until all users cease operations. Any wireless support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the City at the owner's expense. Removal of facilities shall not be a condition of approval of any application.~~

~~11) Commercial Operation of Unlawful Wireless Facilities or Support Structures~~

~~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 any provision of this Ordinance, regardless of whether such facility or support structure is located on land owned by a governmental entity.~~

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Section 5 – Use Provisions

This section is established in recognition that certain uses cannot be treated in the same manner as other uses due to their nature and unique characteristics which may affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the intent and purpose of this [Code Ordinance](#). These uses, when properly placed and regulated, can contribute to the economic vitality of the City. Therefore, it is the purpose of this Section to specify minimum standards that shall be required for certain land uses, in addition to the underlying zoning district regulations, to improve compatibility with neighboring properties and discourage incompatible land uses.

5.1 – Applicability

The provisions of this Section apply to all Zoning Districts unless indicated otherwise. If there is a conflict between this Section and the individual requirements of the Zoning District, the Zoning Administrator shall determine which standards control.

5.2 – Car Washes

5.2.1 - Location. The facility shall be located on a major or collector street or a frontage road and shall not be located closer than one hundred and twenty feet (120') of a Residential District boundary.

5.2.2 -Site Standards.

- 1) All car washing facilities shall be within either a completely enclosed building or a canopy structure.
- 2) Curb cuts shall not be permitted within ten feet (10') of a side lot line.
- 3) The sale of automobile accessories not directly related to the cleaning of automobiles shall be prohibited.

5.2.3 –Lighting. All exterior lighting shall comply with Chapter 9 of the Sunset Hills Code of Ordinances and shall not increase the intensity of light within ten feet (10') of a Residential District boundary line by more than 1.5-foot candles.

5.2.4 - Building Height. The maximum permitted building height shall be twenty feet (20') or one story whichever is lower.

5.2.5 –Site Design Standards. The following minimum site design standards shall be required for the siting and development of any car washes.

CAR WASHES BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
10,000 sq. ft.	70 ft.	40 ft.	15 ft.	20 ft.

5.3 – Cemeteries

5.3.1 – Site Standards.

- 1) Water shall be available within four hundred feet (400') of all grave sites.
- 2) Trash receptacles shall be located adjacent to internal roadways and not more than two hundred feet (200') apart. No rubbish shall be allowed to accumulate upon the site except within trash receptacles.
- 3) Storage of any maintenance machinery or other equipment shall be within completely enclosed buildings.

4) In addition to compliance with Chapter 9 of the Sunset Hills Code of Ordinances, any security lighting on premises shall be no greater than a residential streetlight (4,000 lumens) and shall have fixtures that direct light away from adjoining residential structures.

5.3.2 – Roadways. All roadways shall ~~meet the paving engineering standards established in Section 7.1.3(3). be a minimum of fourteen feet (14') in width and shall have a minimum surface improvement of Class A-3 or equivalent with an eight-inch (8") crushed aggregate base.~~

5.3.3 – Building or Structure Height. The maximum permitted height for any building or structure shall be thirty feet (30') or two stories, whichever is lower.

5.3.4 – Lot Standards. The following lot standards shall be required for the siting and development of any cemetery.

CEMETERY LOT STANDARDS	
Min. Lot Area	Min. Lot Width
2 acres	150 ft.

5.4 – Educational Uses

5.4.1 - Parking. Access to the parking areas shall be located on non-residential streets when possible.

5.4.2 – Screening. Playgrounds shall be separated from adjacent residential properties by a Transition Area A as defined in Section 4.2.2.4 of this Title.

5.4.3 – Site Design Standards. The following minimum site design standards shall be required for the siting and development of any educational use.

EDUCATIONAL USES SITE DESIGN STANDARDS		
Site Design Standards		
Front Yard	Side Yard	Rear Yard
As required per district 150 ft.	150 ft.	150 ft.

5.5 - Hospitals

5.5.1 – Parking. Parking areas shall be located no closer than one hundred feet (100') from any residential properties. Access to parking areas shall be located on nonresidential streets, when possible.

5.5.2 – Site Design Standards. The following minimum site design standards shall be required for the siting and development of any hospital.

HOSPITAL SITE DESIGN STANDARDS		
Site Design Standards		
Front Yard	Side Yard	Rear Yard
350 ft. As required per district	350 ft.	350 ft.

5.6 - Hotels or Motels

5.6.1 - Site Design Standards. The following minimum site design standards shall be required for the siting and development of any hotel or motel.

HOTEL AND MOTEL BULK STANDARDS				
Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard
20,000 sq. ft. or 1,000 sq. ft. per guest room, whichever is greater	100 ft.	40 ft.	40 ft.	40 ft.

5.7 – Libraries

5.7.1–Site Design Standards. The following minimum site design standards shall be required for the siting and development of any library.

LIBRARY SITE DESIGN STANDARDS		
Site Design Standards		
Front Yard	Side Yard	Rear Yard
As required per district 150 ft.	150 ft.	150 ft.

5.8 – Motor Vehicle Oriented Businesses ~~Uses~~

5.8.1 – Site Design Standards. The following minimum site design standards shall be required for the siting and development of any motor vehicle use.

MOTOR VEHICLE ~~USE~~ ORIENTED BUSINESSES STANDARDS

Lot Standards		Site Design Standards		
Min. Lot Area	Min. Lot Frontage	Front Yard	Side Yard	Rear Yard
20,000 sq. ft.	150 ft. ¹	30 ft.	15 ft. ²	15 ft. ²
1. Frontage requirements shall apply to one side of corner lots. 2. Requirements shall be seventy-five feet (75') where use abuts a residential district.				

5.8.2 – Traffic Study Required. All applicants shall be required to submit a traffic impact study or analysis. Such traffic impact study or analysis shall be performed by the City's contracted traffic engineer. The applicant shall be required to deposit with the City an amount estimated by the Director of Public Works or his/her designee to reimburse the City for the cost of such traffic impact study or analysis.

5.8.3 – Used Oil Storage. All used oil and other similar materials shall be stored only in underground or indoor areas.

5.8.4 – Vehicular Areas.

- 1) The entire area used by vehicles for parking, storage, service, etc. shall be paved with asphaltic concrete, concrete, **Portland cement**, or other material approved by the Director of Public Works.
- 2) A raised curb shall be placed at the edge of all pavements.
- 3) All hydraulic hoists, pits, lubrication, washing, repair, and service, not of an emergency nature shall be conducted entirely within a building.

5.8.5 – Ingress and Egress

- 1) The minimum width of driveways at the property line shall be twenty-four feet (24'), and the maximum shall be fifty feet (50').
- 2) The minimum distance of any driveway to any side property line shall be twenty-four feet (24'). This distance shall be measured from the side property line to the intersection of the street right-of-way and the edge of the driveway.
- 3) Driveway openings shall be limited to one drive per one hundred feet (100') of lot frontage. For parcels with frontage on more than one street the number of driveway openings shall be based on the frontage length on each street individually.
- 4) The minimum distance a driveway into the site from a street intersection shall be thirty feet (30') measured from the intersection of the street rights-of-way to the nearest end of the curb radius of the proposed driveway.
- 5) The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and shall be approved by the ~~d~~Director of ~~public~~**Public works**~~Works~~.
- 6) Motor vehicle uses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

5.8.6 – Storage of Flammable Materials. Flammable materials used in the conduct of motor vehicle uses when stored above ground, shall be stored within the building setback lines. All storage of flammable materials shall be subject to the approval of the appropriate fire district.

5.8.7 – Lighting. All exterior lighting shall comply with Chapter 9 of the Sunset Hills Code of Ordinances and shall not increase the intensity of light within ten feet (10') of a Residential District boundary line by more than 1.5-foot (1.5') candles.

5.9 – Temporary Portable Outdoor Storage Units

Temporary Portable Outdoor Storage Units are permitted accessory uses in residential districts, subject to the following restrictions.

5.9.1 – Permit Required. A permit shall be obtained prior to the setting of the temporary portable outdoor storage unit on the property. A site drawing shall be submitted showing the location on the property where the unit will be placed, size of the unit, and distance to all applicable property lines and all other buildings and structures.

5.9.2 – Size. No temporary portable outdoor storage unit shall be greater than twenty feet (20') in length, eight feet (8') in width, or eight feet (8') in height.

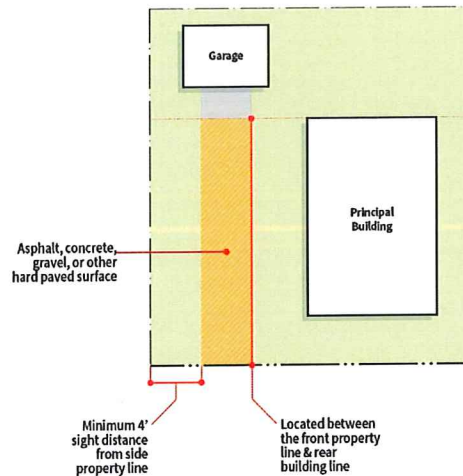
5.9.3 – Placement. The temporary portable outdoor storage unit cannot encroach on City property, City right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, gravel, or hard paved surface between the front property line and the rear building line of the principal structure. The visual distance between the portable temporary storage unit and the side yard property line is four feet (4') or upon the approval by the Director of Public Works or his/her designee and as agreed upon by written consent by the neighboring property owner.

5.9.4 – Duration. Temporary portable outdoor storage units may be placed in a residential district for no more than 30 days in any consecutive 12-month period. Extensions beyond the 30-day limit may be granted by the Director of Public Works or his/her designee.

5.9.5 – Number of Units. A maximum of one temporary portable outdoor storage unit is permitted on a lot.

5.9.6 – Signage. A temporary portable outdoor storage unit shall have no signage other than the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the temporary portable outdoor storage unit.

Placement of Temporary Portable Outdoor Storage Units
5.10.3



5.10 – Drive Through Facility

The following provisions shall be applicable to any use with a drive-through facility.

5.10.1 – Traffic Study Required. All applicants shall be required to submit a traffic impact study or analysis. Such traffic impact study or analysis shall be performed by the City's contracted traffic engineer. The applicant shall be required to deposit with the City an amount estimated by the Director of Public Works or his/her designee to reimburse the City for the cost of such traffic impact study or analysis.

5.11 – Medical Marijuana

The purpose of this section is to regulate the placement and licensing 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.

5.11.1 – No marijuana related use, activity or facility shall emit an odor or in any way cause a public nuisance per Chapters 7, 24 or 27 of this Code Ordinance. Appropriate ventilation systems to prevent any odor of marijuana or

Comment [JW1]: Existing language from 5.22

fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.

5.11.2 - No more than a total of three (3) medical marijuana dispensary facilities, three (3) medical marijuana cultivation facilities and three (3) medical marijuana-infused products manufacturing facilities will be allowed within the City limits.

5.11.3 - Each medical marijuana cultivation facility, medical marijuana-infused products manufacturing facility or medical marijuana dispensary facility shall be located on properties that meet the following distance requirements:

- 1) No medical marijuana dispensary facility shall be operated or maintained within five hundred (500) feet of any school, child day-care center or church.
- 2) No medical marijuana cultivation facility, manufacturing facility or testing facility shall be operated or maintained within one thousand (1,000) feet of any school, child day-care center or church.
- 3) No marijuana-related uses shall be operated or maintained within one thousand five hundred (1,500) feet of another marijuana related use except when marijuana sales represents less than five (5) percent of the dollar volume of business in a state or federally licensed pharmacy. Marijuana related uses under the same ownership and on the same property are exempt from this requirement.
- 4) The distances described in this section shall be computed by direct measurement from any building on land used for the above purposes 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.

5.11.4 - The waiting area and the area of a medical marijuana dispensary facility where marijuana or marijuana-infused products are physically delivered to a qualifying patient or primary caregiver shall be separated by a solid wall and solid door so that persons in the waiting area are obstructed from observing the delivery of the marijuana or marijuana infused products to the qualifying patient or primary caregiver. No loitering will be permitted at any facility.

5.11.5 - No marijuana or marijuana-infused product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a facility.

5.11.6 - Paraphernalia as defined in RSMo. § 215.610, excluding (1)f, as may be amended, may be lawfully sold at a medical marijuana dispensary facility. Such items may not be publicly displayed and may be sold, displayed and provided only to patients or primary caregivers of patients.

5.11.7 - The sale or consumption of alcohol within a facility is prohibited.

5.11.8 - No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana cultivation facility, medical marijuana testing facility or medical marijuana-infused products manufacturing facility. The entrance to a facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.

5.11.9 - A medical marijuana dispensary facility shall not dispense more than four (4) ounces of a usable form of medical marijuana per patient in a thirty-day period, except as otherwise allowed by law [Art. 2, sec 3(13)]. All marijuana sold or otherwise distributed shall be in a sealed container. Such packaging shall have a label that indicates the quantity and advises the purchaser that the marijuana is intended for use solely by the patient, and that any resale or redistribution to any third person is a criminal violation.

5.11.10 - The consumption, inhalation or other personal use of marijuana or medical 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, except that a medical marijuana testing facility may consume marijuana during the testing process and only as the consumption relates to the testing process.

5.11.11 - Dispensaries can be on the same property as a cultivation facility, a medical marijuana-infused products manufacturing facility or a medical marijuana testing facility but are not permitted to be within the same building as any other marijuana related use.

5.11.12 - Security plans. Medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility or medical marijuana dispensary facility shall provide adequate security on the premises including, but not limited to, the following:

- 1) Surveillance. Security surveillance cameras installed to monitor each entrance to the facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days, and be made available to law enforcement officers upon demand.
- 2) Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.
- 3) Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
- 4) Alarm system. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the facility at all times.
- 5) Emergency contact. Each facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site facility employee to whom the City may provide notice of any operating problems associated with the facility. It shall be the responsibility of the licensee to keep up to date the contact information of the facility employee.

5.11.13 - Operating plans. As a condition of processing of a business license application, a facility operator shall provide at the time of filing the business license application a detailed operations plan and, upon issuance of a license, shall operate the facility in accordance with the plan. Such plan shall include:

- 1) Floor plan. A plan showing the layout of the facility and the principal uses of the floor area depicted. A medical marijuana dispensary facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways. All storage areas shall be shown and labeled.
- 2) Odor controls. A facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a facility. Such plan shall describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor of marijuana fumes from leaving the premises of a facility or other changes to a facility may be required to abate a public nuisance.

5.11.14 - Signage.

- 1) A sign for a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall comply with the requirements of [Appendix D of this Code Ordinance](#), or any ordinance enacted hereafter regulating signs.
- 2) A sign for a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall be located on the same premises as the facility.

5.11.15 - Each facility shall provide off-street parking and comply with all parking regulations for the zoning district in which the facility is located.

5.11.16 - Each facility shall at all times possess a current Ccity business license. By obtaining a city-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-City business license.

5.11.17 - It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise provide medical marijuana as a home occupation.

5.11.18 - No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility shall be operated within the city-City without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the Ccity, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.

5.11.19 - Application review process.

- 1) Site review permit. This preliminary permit reviews the proposed marijuana related use for compliance with the Ccity's zoning and location standards prior to issuance of state license. A draft of proposed security and floor plans should also be provided. Site review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof. Site review and approval shall be conducted administratively.
- 2) Business license. Once a state licensing has been received, the business license shall include all relevant state approvals and approved operating plans and security plans.

Section 6 – Signs

6.0 – How to Use this Section

This Section is divided into three main subsections, types of signs, sign permissions, and sign standards. To use this Section, first identify the type of sign proposed. Then, find that sign type in either the Table of Permitted Permanent Signs or the Table of Permitted Temporary Signs. Next, determine which zoning district your proposed sign will be located in. Then use the table to determine whether the proposed sign is permitted as of right, conditionally, or is prohibited. If the proposed sign is permitted as of right or conditionally, proceed to Section Eight, Administration and Enforcement, for instruction on the sign permitting process.

6.1 - General Provisions

6.1.1 - Scope

The provisions of this Section shall govern the display, construction, erection, alteration, use, location, repair, and maintenance of all signs together with their appurtenant and auxiliary devices in respect to structural and fire safety. It shall be unlawful after the adoption of this Section to display, construct, erect, alter, use, or maintain any sign except in conformance with the provisions of this Section.

6.1.2 - Approved Rules

In the absence of approved rules governing details of construction, the provisions of ANSI A60.1 (American National Standards Institute, Inc.; Building Code Requirements for Load, Minimum Design in Buildings and Other Structures) as amended from time to time shall be deemed to conform to the requirements of this Code unless otherwise specified in this Section.

6.1.3 – Viewpoint Neutrality

- 1) Notwithstanding anything in this Section to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
- 2) Notwithstanding anything in this Section to the contrary, it is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
- 3) Notwithstanding anything contained in this Section to the contrary, any sign erected pursuant to the provisions of this Section may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion of the sign face. The Sign Face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback, or spacing criteria contained in this Section.

6.1.4 - Statement of Purpose

The purpose of this Section is to:

- 1) Regulate signs and sign lighting to preserve and enhance the appearance of Sunset Hills, and to protect the value of properties in the City;
- 2) Ensure that all signs within the City are compatible with existing land uses and/or buildings regarding size, location, construction, and materials, and to discourage an unsightly, disproportionate, inappropriate, and excessive number of signs;
- 3) Ensure that signs do not confuse, mislead, or otherwise endanger the public health, safety, or general welfare;

- 4) Reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic; ~~and~~.

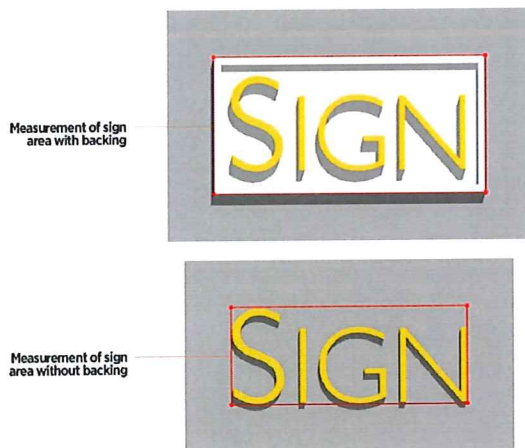
6.2 - Dimensional Standards of Permanent and Temporary Signs

The maximum size of aggregate sign(s), regardless of sign type, shall not be greater than one square foot of sign area per lineal foot of lot frontage. Signs shall be measured as detailed below.

- 1) Area to be included. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Where a sign has more than one display face, the area of the sign shall be measured by the largest of the display faces.
- 2) Area of Sign with Backing. The area of all signs with backing shall be measured by computing the area of the sign backing.
- 3) Area of Signs without Backing. The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figure that can encompass all words, letters, figures, emblems, and other elements of the sign copy.
- 4) Area of Signs with and without Backing. The area of all signs formed by a combination of materials with and without backing shall be measured by counting the area of such elements in accordance with the foregoing subparagraphs:
 - a. Signs on Lots with Multiple Users. Where more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating permitted signage among such users.
 - a.b. General Safety. Notwithstanding any other provision of this Section, no sign shall be located in any area or in any manner so as to create a nuisance or a threat to public health, safety, or welfare.

Sign Area With and Without Backing

6.2



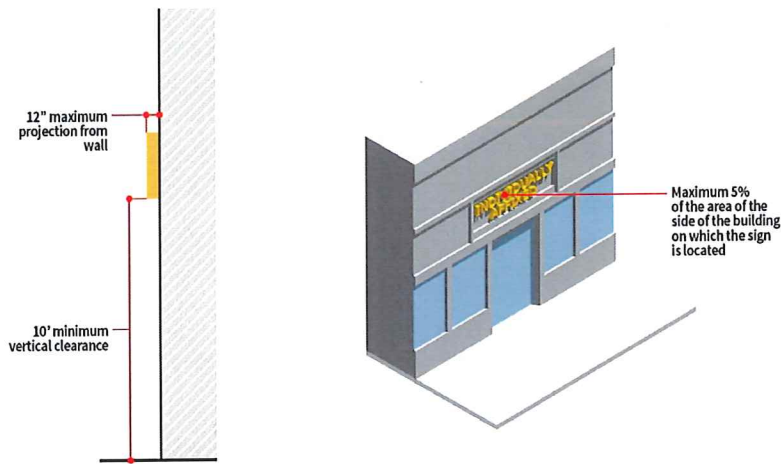
6.2.1 - Wall Signs

The following dimensional standards shall apply to wall signs in the following zoning districts: LC, GC, LI, and PO.

- 1) **Size.** Wall signs may cover a maximum of five percent (5%) of the building frontage area of the side of the building on which the sign is located.

- 2) **Height.** No wall sign shall protrude above the highest roof line or above the top of the parapet wall or mansard roof.
- 3) **Projection.** Such signs shall not horizontally project more than twelve inches (12") from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of ten feet (10').
- 4) **Number of signs.** Only one wall sign per frontage of the building or unit of a building.
- 5) **Provisions.**
 - a) No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
 - ~~b) Building frontage for the purpose of this section shall be defined as the established main public entrance for each unit.~~
 - e)b) On multiple-tenant buildings with multiple wall signs, all signs shall be of a similar style, proportions, base colors, and constructed of the same materials.
 - d)c) Buildings with multiple frontages ~~Corner-lots~~ may display a sign on each frontage.
 - e)d) No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure, with the exception of building parapets which have been designed and integrated into the architecture of the building and which are in line with and not set back from the perimeter façade of the building.

Wall Signs 6.2.1



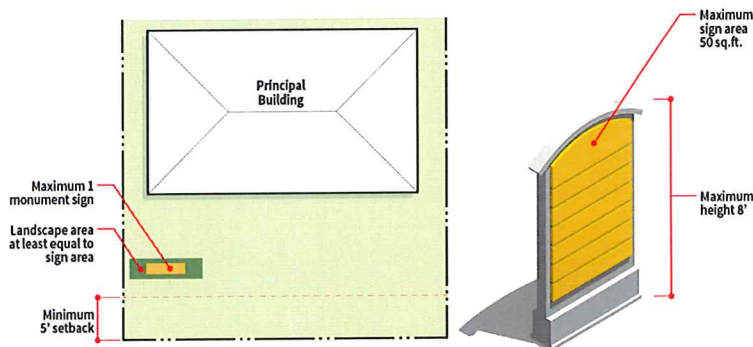
6.2.2 - Monument Signs

The following dimensional standards shall apply to monument signs in the following zoning districts: LC, GC, LI, and PO. Monument signs in the R-1, R-2, R-3, R-4, R-5, and R-6 districts shall only be permitted as Comprehensive Sign Plans as detailed in Section 6.5 of this Title.

- 1) **Size.** The maximum size of the sign area of a monument sign shall be no greater than fifty square feet (50 sq. ft.). Multitenant properties may have a monument sign with a maximum sign area of one hundred square feet (100 sq. ft.)
- 2) **Height.** The maximum height of any monument sign as measured from the base or foundation of the sign shall be no greater than eight feet (8') above the center line datum elevation of the street immediately adjacent to the sign location. Multitenant properties may have a monument sign with a maximum height of twenty feet (20')
- 3) **Number of signs.** Each lot or parcel of land under one ownership or use may not have more than one monument sign, with a maximum of two display surfaces, except that any lot or parcel with a frontage of three hundred and fifty feet (350') or more may have two monument signs located not less than two hundred and fifty feet (250') apart.
- 4) **Setbacks.**
 - a) No part of any monument sign may be closer than five feet (5') from any street right-of-way, property line, wall, fence, or any obstruction which would prevent a clear passage around.
- 5) **Landscape requirements.** A landscape planting area is required at the base of the sign. The landscape area should be at least equal to the square footage of the sign in question.
- 6) **Provisions.**
 - a) No monument sign shall be located within eight feet (8') of any electric power line, service drops or line conductors, or in any location where the Director of Public Works or his/her designee finds a reasonable danger that any electric power line would come in contact with the sign.
 - b) No monument sign shall be located within or over any public utility easement.
 - c) The base of any monument sign shall be stone, masonry, or a similar material to match the architectural style of the principle building.

Monument Signs

6.2.2



6.2.3 - Canopy/Awning Signs

The following dimensional standards shall apply to canopy or awning signs in the following zoning districts: LC, GC, LI, and PO.

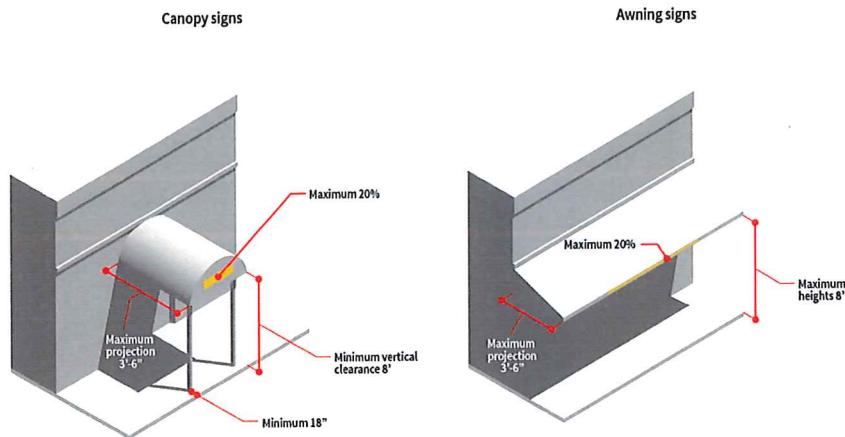
- 1) **Height.** All canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame shall be not less than eight feet (8') above the existing monument or grade level, and the

lowest portion of the extending skirt shall be not less than eight feet (8') above the existing monument or grade level.

- 2) **Projection.** Such signs shall not horizontally project more than three feet six inches (3.5') beyond the line of the building or structure nor more than three feet six inches (3.5') beyond that portion of the building or structure to which it is attached.
- 3) **Area.** No sign copy shall cover more than twenty percent (20%) of the canopy or awning **face** surface area.
- 4) **Provisions.**
 - a. Such signs shall have no internal illumination.
 - b. Such signs shall be erected as permitted by this Section but must be part of the total wall sign area, not in addition to a wall sign as permitted by this Section.
 - c. Such signs may not encroach upon or extend or project over any public right-of-way, including, but not limited to, streets, alleys, and sidewalks.
 - d. All projecting signs shall be no closer than eighteen inches (18") to the curb of any adjacent street.

Canopy/Awning Signs

6.2.3

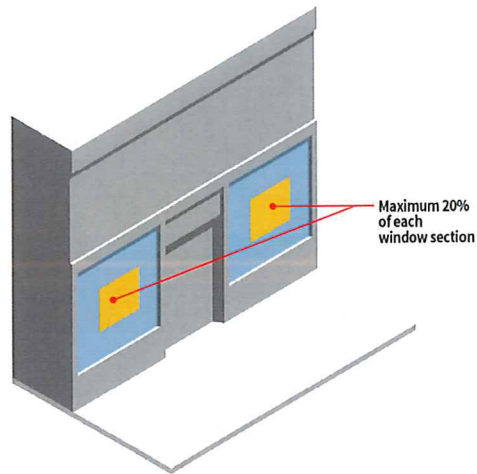


6.2.4 - Window Signs

The following dimensional standards shall apply to window signs in the following zoning districts: LC, GC, LI, and PO.

- 1) **Coverage.** The total window sign should not exceed twenty percent (20%) of each window section.

Window Signs
6.2.4

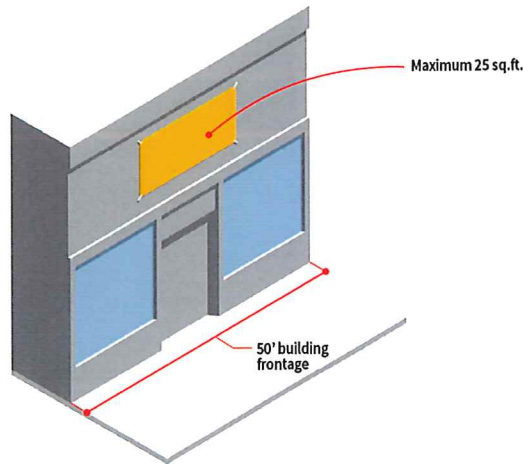


6.2.5 -- Wall Mounted Banner Signs

The following dimensional standards shall apply to wall mounted banner signs in the following zoning districts: LC, GC, LI, and PO.

- 1) **Size.** The maximum size of a wall mounted banner sign shall not be greater than one half square feet (0.5 sq. ft.) of sign area per lineal foot of building-frontage. No wall mounted banner sign shall exceed fifty square feet (50 sq. ft.).
- 2) **Height.** No wall mounted banner sign shall protrude above the highest roof line or above the top of the parapet wall or mansard roof.
- 3) **Projection.** ~~Such~~ Wall mounted banner signs shall be affixed flat against the building to which they are mounted.
- 4) **Number of signs.** Only one wall mounted banner sign per building-frontage of the building or unit of a building is permitted.
- 5) **Provisions:**
 - a. ~~Building frontage for the purpose of this section shall be defined as the established main public entrance for each unit.~~

Wall Mounted Banner Signs
6.2.5

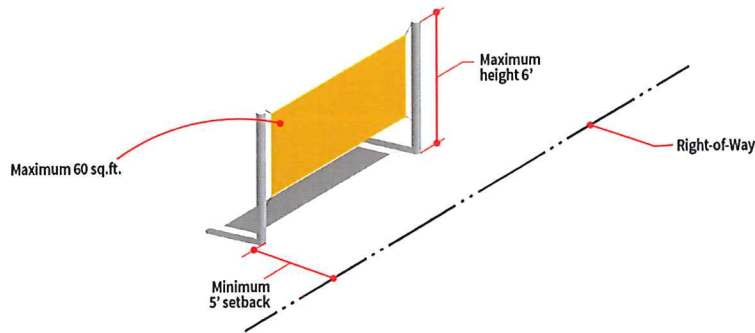


6.2.6 – Ground Mounted Banner Signs

The following dimensional standards shall apply to ground mounted banner signs in the following zoning districts: GC, LC, and LI.

- 1) **Size.** The maximum size of a ground mounted banner sign shall not exceed sixty (60) square feet.
- 2) **Height.** The maximum permitted height of a ground mounted banner sign shall be six (6) feet.
- 3) **Number of Signs.** Only one (1) ground mounted banner sign shall be permitted per building frontage or unit of a building.
- 4) **Location.** Ground mounted banner signs shall be located a minimum of five (5) feet from the property line and shall not be located in a sight triangle.
- 5) **Maintenance.** Ground mounted banner signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise.

Ground Mounted Banner Signs
6.2.6



6.3 - Permitted Permanent Signs

The following Table identifies the permanent signs that are permitted as of right or conditionally in the indicated districts. Before any permanent sign may be erected or constructed, a permanent sign permit must first be issued by the Director of Public Works or his/her designee.

- 1) P: Signs permitted as of right
- 2) C: Signs permitted conditionally
- 3) X: Prohibited signs

Sign Category	LC	GC	LI	PO
Wall Sign	P	P	P	P ¹
Monument Sign	P	P	P	P
Canopy/Awning Sign	P	P	P	P
Window Sign	P	P	X	X

1. Wall signs in the PO district are restricted to one sign per building, multitenant signs are prohibited.

6.4 - Permitted Temporary Signs

The following Table identifies the temporary signs that are permitted as of right or conditionally in the indicated districts. Permitted temporary signs shall be displayed for a period not to exceed 30 days per calendar year. Before any temporary sign may be erected or constructed, a temporary sign permit must first be issued by the Director of Public Works or his/her designee.

- 1) P: Signs permitted as of right
- 2) C: Signs permitted conditionally
- 3) X: Prohibited signs

Sign Type	LC	GC	LI	PO
Wall Mounted Banner	P	P	P	P
Ground Mounted Banner	P	P	P	
Sandwich Board	P	P	X	X

Formatted Table

6.5 – Comprehensive Sign Plans

A Comprehensive Sign Plan may be approved as an alternative to the requirements set forth in this Section for the uses and developments listed below.

6.5.1 – Applicability

The Planning and Zoning Commission may approve a Comprehensive Sign Plan for the following uses and developments:

- 1) Multiple tenant commercial, office, or employment uses,
- 2) Residential subdivisions,
- 3) Nonresidential uses in residential districts (places of worship, schools, etc.)
- 4) A multiple-building complex for a single commercial or employment use
- 5) Stand-alone office/employment buildings
- 6) Indoor or outdoor entertainment and recreation uses,
- 7) Auto malls,
- 8) Hospitals,
- 9) Hotels and commercial lodging with a full-service restaurant or conference and meeting rooms, **and**
- 10) Regional retail shopping malls, **and**
- 10)11) **Any planned unit development (PUD).**

6.5.2 – Conditions

The Planning and Zoning Commission may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Planning and Zoning Commission shall not base any condition on the message content of a sign.

6.5.3 – Evaluation Criteria

- 1) **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
- 2) **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
- 3) **Size.** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Comprehensive Sign Plan contain a monument sign that exceeds by more than fifty percent (50%) any maximum height standard permitted by this Section. There shall be no limit on the amount by which a Comprehensive Sign Plan may allow a monument sign to exceed the height restrictions permitted on the site when the monument sign is placed or oriented so as to be visible only internally to the development. In no event shall a Comprehensive Sign Plan contain a wall sign that exceeds by more than twenty-five percent (25%) any maximum size (area) standard permitted by this Section. There shall be no limit on the amount by which a Comprehensive Sign Plan may allow a wall sign to exceed the size (area) restrictions permitted on the site when the wall sign is placed or oriented so as to be visible only internally to the development itself.
- 4) **Design Features and Materials.** Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.

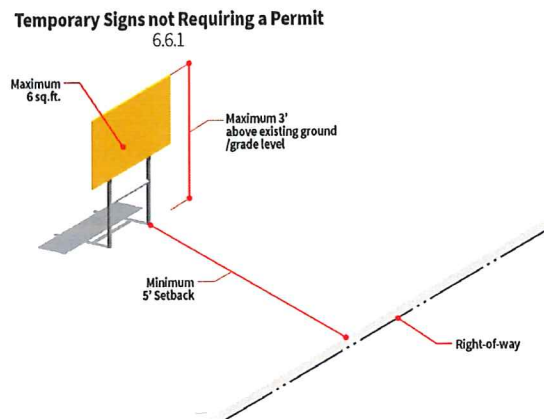
- 5) **Dimensional Standards.** The Planning and Zoning Commission may not increase any sign dimensional standard to greater than fifty percent (50%) of any maximum standard. Notwithstanding the foregoing, the Planning and Zoning Commission shall not base any decision on the message content of a sign.
- 6) **Amendments.** The Director of Public Works or his/her designee may administratively approve minor amendments to a Comprehensive Sign Plan involving non-communicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

6.6 – Exempt Signs not Requiring a Permit

6.6.1 - Temporary Exempt Signs not Requiring a Permit

No permanent or temporary sign permit is required for the erection or construction of a sign that is less than or meets the following dimensional standards.

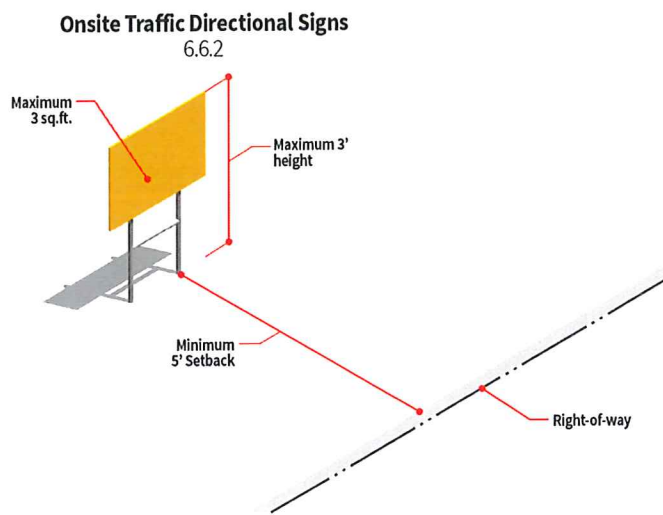
- 1) **Size.** The maximum size of an exempt sign shall not be greater than six square feet (6 sq. ft.) of sign area.
- 2) **Height.** The maximum height of any exempt sign shall be no greater than three feet (3 ft.) above the existing ground or grade level.
- 3) **Setback.** No part of any exempt sign may be closer than five feet (5') from any street right-of-way or property line.
- 4) **Provisions.**
 - a) A maximum of one (1) exempt signs may be displayed concurrently.
 - b) An exempt sign shall be displayed for a period not to exceed 60 days per calendar year.
 - c) No exempt sign shall be located within two feet (2') of any electric power line, service drops or line conductors, or in any location where the Director of Public Works or his/her designee finds a reasonable danger that any electric power line would come in contact with the sign.
 - d) No exempt sign shall be located within or over any public utility easement.



6.6.2 – Onsite Traffic Directional Signs

Onsite traffic directional signs are permitted as necessary to assist in the movement of vehicular traffic on a property for the purpose of the safety of both pedestrian and vehicular traffic.

- 1) **Size.** The maximum size of any onsite traffic directional sign shall not be greater than six square feet (6 sq. ft.).
- 2) **Height.** The maximum height of any onsite traffic directional sign shall not be greater than three feet (3').
- 3) **Setback.** No part of any onsite traffic directional sign may be closer than five feet (5') from any street right-of-way or property line.
- 4) **Provisions.**
 - a) No part of any onsite traffic directional sign may be located within any required landscape areas.



6.7 - Prohibited Signs

The following sign categories and types are prohibited in all zoning districts.

- 1) Flashing signs
- 2) Marquee signs
- 3) Animated signs
- 4) Obstructive signs
- 5) Off-premises signs
- 6) **Billboard signs**
- 6)7) Signs painted directly on a building wall or fence
- 7)8) Portable signs
- 8)9) Vehicle signs
- 9)10) Roof signs
- 10)11) Projecting Signs
- 11)12) Streamers
- 12)13) Wind operated devices
- 13)14) Search lights
- 14)15) Signs affixed to utility poles or trees
- 15)16) Signs affixed to fire escapes or fire suppression systems
- 16)17) Signs creating traffic hazards
- 17)18) Signs erected without proper permits
- 18)19) Signs in the public right-of-way
- 19)20) Signs related to abandoned uses or activities
- 20)21) Unsafe signs
- 21)22) Outline lighting
- 22)23) Pole/pylon signs
- 23)24) Attention getting devices
- 24)25) Box signs
- 26) Sandwich board/A-frame/Sidewalk signs
- 25)27) **Any sign not expressly permitted**

6.8 - Illegal Signs

6.8.1 - Illegal Permanent Signs

If any permanent sign has been constructed or erected or is being maintained in violation of the provisions of this Section, written notice shall be given to the occupant or property owner of the property on which the sign is located. If the occupant or property owner fails to remove or alter the permanent sign so as to comply with the standards set forth in this Section within thirty (30) days after receipt of such notice, such sign may be removed or altered by the City and a lien placed on the property for the full cost of such action, including administration, legal and overhead costs.

6.8.2 - Illegal Temporary Signs

If any temporary sign has been constructed or erected or is being maintained in violation of the provisions of this Section, written notice shall be given to the occupant or property owner of the property on which the sign is located. If the occupant or property owner fails to remove or alter the temporary sign so as to comply with the standards set forth in this Section within twenty-four (24) hours after receipt of such notice, such sign may be removed or altered by the City and a lien placed on the property for the full cost of such action, including administration, legal and overhead costs.

6.87.3 - Illegal Signs on Public Property

If any illegal sign has been placed upon public property for any purpose, it shall be removed by the Director of Public Works or his designee, without notice.

6.9 - Existing Signs

6.9.1 - Removal or Reconstruction

Any sign previously approved and erected shall not be altered or moved, nor shall any sign or substantial part of the sign, which is blown down, destroyed, or removed, be re-erected, reconstructed, rebuilt, or relocated unless it is made to comply with all applicable requirements of this Section.

6.9.2 - Repair

This Section shall not be construed to prevent the repair or restoration to a safe condition of any part of an existing sign when damaged by storm, accident, or other cause, as directed by the Director of Public Works or his/her designee.

6.9.3 - Relocating

Any sign that is moved to another location on the same premises shall be considered a new sign, and a permit shall be secured for any work performed in connection with securing that permit in conformance with this Section.

6.9.4 - Nonconforming Signs

Signs which do not conform to the provisions of this Section, but which complied with all applicable ordinances, rules, and regulations in effect at the time of their erection, may remain so long as the use with which they are associated remains; but in no case may said nonconforming signs remain after January 1, 2028. A list of all nonconforming signs will be attached to the approved ordinance. No nonconforming sign shall be enlarged, reconstructed, or structurally altered or changed in any manner nor shall the copy be altered in any manner. At any time that such nonconforming sign shall cease to be associated with the use it was originally associated with, it shall lose its nonconforming status and must be removed in accordance with the provisions of this Section.

6.10 - General Standards

6.10.1 - Illumination

Any signs that are illuminated shall be done so only in accordance with all applicable City codes, ordinances, and regulations and with the standards as listed below.

- 1) Except as otherwise specified in this Section, a sign may be illuminated with internal or external lighting sources as follows:
 - a) Internal illumination. Signs may be illuminated internally, but only through a translucent surface from a light source from within a sign.
 - b) External illumination. Whenever an external artificial light source is used for illumination of a sign, the light source shall be located, shielded, and directed so as to not be directly visible from any public street or any adjacent property.
- 2) The illumination of a sign shall be constant in intensity and color and shall not consist of blinking, flashing, fluttering, or other illumination conveying the sense of movement.
- 3) The illumination of a sign within three hundred (300) feet (300 sq. ft.) of and visible from any property zoned in a residential district shall be ~~turned off between the hours of 11:00 p.m. and 6:00 a.m.~~ dimmed between dusk and dawn every day. However, if the business to which the sign relates is in operation during said hours, then the sign may be illuminated during actual business hours only if such illumination does not create a public or private nuisance, as determined by the Director of Public Works or his/her designee.

- 4) The maximum lighting shall be one thousand two hundred lumens (1,200 lm) reflecting from a white background, as measured at the surface of the sign.

6.10.2 - Changeable Copy

Changeable copy displays shall be permitted subject to the following conditions:

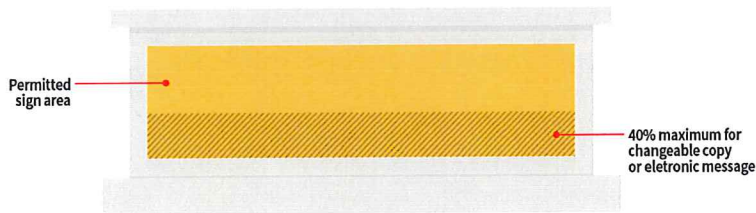
- 1) The area devoted to changeable copy shall not exceed forty percent (40%) of the maximum allowed sign area.
- 2) The area of a sign devoted to changeable copy shall be part of, not in addition to, the maximum area of sign permitted.
- 3) The area of the changeable copy sign shall be enclosed within a tamperproof case.
- 4) The Director of Public Works or his/her designee shall have the right to remove any changeable copy sign that falls into disrepair or the letters of which are not changed out at least once every six (6) months.

6.10.3 - Electronic Message Signs

Electronic message signs shall be subject to the conditions listed below:

- 1) The area devoted to the actual electronic message portion of the sign shall not exceed forty percent (40%) of the maximum allowed sign area.
- 2) The area of the sign devoted to electronic message shall be part of, not in addition to, the maximum area of a sign permitted.
- 3) Transitions between messages shall be static and occur in no less than ~~two-minute (2-minute)~~⁽¹⁰⁾ second intervals.
- 4) Electronic messages shall be white, yellow, or other light-colored font on a black or other dark colored background.

Changeable Copy & Electronic Message Signs
6.10.2 - 6.10.3



6.11 - Maintenance and Inspection

6.11.1 - Maintenance

All signs, for which a permit is required, together with all supports, braces, guys, and anchors shall be kept in repair in accordance with the provisions of this Section. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Section.

6.11.2 - Housekeeping

It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately.

6.11.3 - Inspections

Every existing sign shall be subject to an inspection whenever the Director of Public Works or his/her designee deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The Director of Public Works or his/her designee is authorized to grant one thirty-day (30-day) extension, if, upon written request, it is deemed necessary due to extenuating circumstances.

6.11.4 - Notice of Violation

If the Director of Public Works or his/her designee shall find that any sign or other advertising structure is unsafe or insecure, or is a menace to the public safety, or was, after the adoption of this Section constructed, erected, or maintained in violation of the provisions of this Section, he or she shall give written notice per the provisions of this Title. Such notice shall specify the manner of which the sign is unsafe or in violation of this Section.

6.11.5 - Unsafe Signs

If the Director of Public Works or his/her designee finds a sign that is unsafe which is an immediate peril to persons or property, he or she shall act to have the sign removed or altered summarily and without notice at the owner's expense. Such sign may be removed or altered by the City and a lien placed on the property for the full cost of such action, including administration, legal, and overhead costs.

Section 7 – Subdivisions

The intent and purpose of Section 7 of this title is to promote the health, safety, morals, and general welfare of the community through the control of the division of land, promotion of a safe and adequate street system, securing of the proper distribution of population and the necessary open spaces for light, air, and recreation. This Section prescribes minimum and maximum requirements for design of subdivisions, procedures for the approval of subdivisions, procedures for the enforcement of the Section, and establishes penalties for the violation of the requirements herein.

Comment [JW1]: Revised to eliminate legalize and be more reader-friendly

Comment [JW2]: Included maximum requirements in addition to minimum

7.1 – Street Standards

The arrangement, character, extent, width, grade, and location of all the streets shall be considered in their relation to existing and proposed streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The following standards shall apply:

Comment [JW3]: Original Section 1 was definitions, those have been moved out of this section to be included in the definitions chapter

7.1.1 – General Standards.

These apply to residential and non-residential types of subdivisions.

- 1) The developer shall make provisions for the extension and relocation of major, collector, and minor streets which affect the property. Except for dead-end streets, streets normally shall connect with streets already established, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivision tracts.
- 2) Where a subdivision abuts or contains an existing or proposed major street, the commission may require frontage or service streets, double frontage lots with screen planting, and non-access strips at the rear of such lots.
- 3) Minor street intersection jobs or discontinuities with centerline offsets of less than one hundred feet (100') shall be avoided.
- 4) Reserved strips of land which control or limit access at the terminus of streets are prohibited.
- 5) A tangent of less than one hundred feet (100') in length shall be avoided between reverse curves on major and collector streets.
- 6) A subdivision entrance street shall intersect the major or collector street with an interior angle between seventy degrees (70 °F) and ninety degrees (90 °F) and be positioned to provide adequate sight distance along each intersecting roadway as determined by the City engineer.
- 7) All streets intersecting major or collector streets shall be directly opposite existing or other proposed streets or shall be a minimum of three hundred feet (300') distant, as measured between street center lines.
- 8) Streets shall be constructed to St. Louis County standard specifications, as amended from time to time, except as otherwise specified in this ordinance.
- 9) Any subdivision platted along an existing street shall provide additional right-of-way, not to exceed twenty feet (20') on either side.
- 10) When the subdivision is located on one side of an existing street, required right-of-way width shall be provided as measured from the center line of the right-of-way as originally established or as traveled.
- 11) The board may require a street to be dedicated to public use wherein when it is deemed in the best interest of the traveling public in order to provide circulation.
- 12) No building permit may be issued for any lots abutting a temporary turnaround as shown on any recorded subdivision plat unless and until the temporary turnaround is actually constructed and has been approved by the City engineer. In addition, no building permit will be issued for display units on proposed lots that

would be located where temporary turnarounds are required. The commission may grant a variance providing that the following conditions are met:

- a) The developer submits to the commission statements from all prospective lot purchasers affected by the temporary turnaround, excluding the developer ~~himself~~, declaring that they agree to the use of their driveways for executing the turnaround movements at the terminus of the street and acknowledging that any repairs made necessary due to damage to the driveway caused by the use of their driveway for the turnaround movement shall in no way be deemed the responsibility of the City of Sunset Hills; and
 - b) The developer provides an easement for the turnaround movement approved by the commission.
- 13) Private streets, including multiple family access streets shall have pavement thickness constructed to ~~e~~City standards. Maintenance of these streets shall be the sole responsibility of the property owners or trustees of the subdivision.
 - 14) When streets are proposed as private, the developer shall be required to have either a trust indenture or statement on the record plat establishing the method for providing continuous maintenance of streets, as well as storm sewers.
 - 15) All roads proposed within a development and located within the flood plain shall be protected from flood damage as directed by the ~~C~~city ~~e~~Engineer.
 - 16) All utilities shall be placed underground. The developer shall contract with the St. Louis County Water Company for lines to serve all lots. Fire hydrants shall meet or exceed the recommendation of the insurance service office.

Comment [JW4]: What is the City's experience with private roads? Is there interest in prohibiting them?

Comment [JW5]: Revised from any proposed public road to all roads

7.1.2 – Landscaping and trees.

- 1) The regulations in this section are intended to keep tree demolition to a minimum based on the overall site constraints in the development of the subdivision and to further provide for tree replacement based on the extent of tree demolition required to develop the subdivision.
- 2) A developer of a subdivision, at the time of submission of a request for preliminary plat approval, shall submit a detailed grading plan showing the clearing limits, a tree ~~demolition-preservation plan, in compliance with Chapter 27 Article III Division 4 of the Code of Ordinances showing in detail the trees being removed for construction and a tree restoration plan showing in detail the trees replacing those removed.~~
- 3) The developer shall employ the services of an arborist or forester in developing the grading, tree demolition and tree restoration plans. The arborist or forester shall sign off on the plans submitted with the request for preliminary plat approval and he/she shall be retained during construction to supervise the demolition and restoration of trees. It is necessary to provide credentials of the individuals, or company, chosen to perform the work of the arborist or forester at the time of filing the request for preliminary plat approval.
- 4) The escrow agreement for subdivision improvements shall include an amount for grading, tree demolition and tree restoration plans. This amount shall be held under the escrow agreement by the escrowed in the same manner as all other estimated improvements, costs, and deposits.
- 5) The ~~planning Planning~~ and ~~zoning Zoning commission-Commission~~ shall oversee the approval of the grading, tree demolition and tree restoration plans and approve same as part of the preliminary approval of the subdivision. After that time, said plans shall become a part of the official file for the subdivision and recording of the subdivision plat shall constitute acceptance of the grading, tree demolition and tree restoration plans by the ~~C~~city, and the agreement of the developer to comply with same.

Comment [JW6]: Moved from current subsection 16

7.1.3 – Residential Standards.

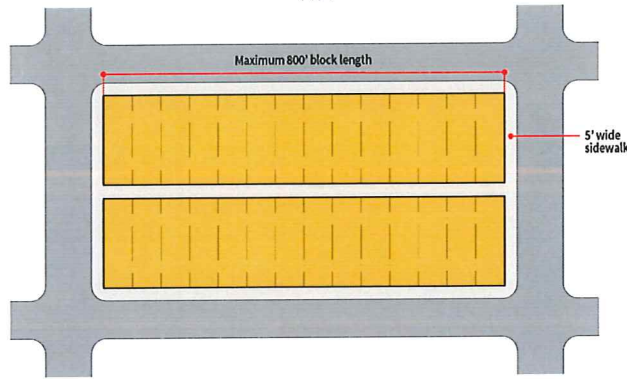
1) Street right-of-way

- a) Blocks: No block shall be longer than eight hundred feet (800') between street lines. Where it is desirable to subdivide a tract of land, which because of its size or location does not permit an allotment directly related to normal street arrangement, there may be established one or more "places." Such a place may be in the form of a court, a dead-end street or other arrangement; provided however, that proper access shall be given to all lots from a dedicated place (street or court). If such a place is more than one hundred and fifty feet (150') in length, it shall terminate in an open space (preferably circular) having a minimum right-of-way radius of sixty feet (60'). In no instance shall the establishment of places reduce the connectivity index of a proposed subdivision below 1.2.

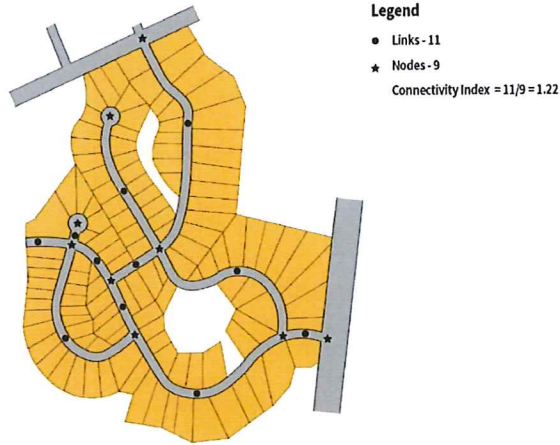
Comment [JW7]: Revised from 1,500 feet

Comment [JW8]: Connectivity index minimum proposed to help align code with comp plan goal of developing walkable neighborhoods

Block Standards
7.1.3(1)(a)



Connectivity Standards
7.1.3(1)(a)



Formatted: Right

- b) Relation to adjoining street system: The arrangement of streets in new subdivisions shall make provisions for the proper location and width of major streets. The developer may be required to continue certain adjoining streets through the area that is being subdivided, whenever the same is necessary to provide for local movements of vehicles or to enable adjoining property to be properly subdivided.
 - c) The minimum right-of-way of all streets within subdivisions shall be as follows:
 - i. The minimum right-of-way width for all streets within subdivisions shall be fifty feet (50').
 - ii. A minimum radius of twenty feet (20') at street right-of-way intersection and a minimum radius of thirty-two feet (32') at the back of the curb or edge of pavement shall be required. Greater radii may be required at the intersection and at the back of curb or edge of pavement of a street with a major or collector street as determined by the commission.
 - iii. Where a developer is subdividing property which does not have existing frontage on an existing public accepted road, he shall be required to connect the right-of-way and pavement in accordance with the above standards to the existing public accepted road or to a private street installed in accordance with the minimum standards of this ordinance, provided, however, that where it is not practicable for the developer to acquire the full fifty-foot (50') width of right-of-way and it is possible to provide easements for all required utilities to accessible for other parts of the subdivision in the rear or sides of lots and from adjacent property or the additional right-of-way width is not necessary, then a minimum right-of-way width of thirty feet (30') shall be required between the boundary of the subdivision proper and the existing paved street, and the width of the paving to provide the correction shall be in accordance with the standard requirements within subdivisions.
 - iv. Where a developer is subdividing property which is situated adjacent to, abutting or contiguous with an existing residential area serviced by a private street or road and said undeveloped tract of land does not have frontage on an existing public accepted road, and the developer is unable to comply with the provisions of paragraph (ii) of Section 7.1.2(1)(c), variances may be granted from the requirements of paragraph (ii) of Section 7.1.2(1)(c) pertaining to the width and construction requirements of private streets or roadways to be used by the developer for ingress and egress to and from the property to be subdivided.
 - d) Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. Before the final plan for the subdivision shall be approved, the developer shall submit to the commission a statement from [St. Louis County the local postmaster](#) making recommendations concerning the names of the proposed system of postal addresses along such streets, all subject of the final approval of the commission. The developer shall provide and install all street name signs in accordance with instructions from the [director](#) [Director of public-Public Wworks](#).
 - e) All streets, places, and parks except as otherwise provided for in this Section shall be established as private ways and areas. Provision shall be made in the deed restrictions accompanying the plat to dedicate such ways and areas to a subdivision. The restrictions shall make proper provisions for a board of trustees to have the power of assessment of property owners in the subdivision for the supervision, maintenance and construction or reconstruction of improvements on such ways, streets, or areas.
- 2) Grading
- a) Where the preliminary plat indicates that extensive grading and compaction are probable, the [eCity eEngineer](#) may require the submission of additional information and modifications in the proposed plat before the developer may grade any land to be subdivided.

- b) A grading permit or approved improvement plans are required prior to any grading on the site. Erosion and siltation control devices shall be required as directed by the [City Engineer](#).
- c) Proposed grading which creates a change in watersheds shall not be permitted.
- d) The commission may require evidence as to the subsurface soil, rock, and water conditions of the tract to be developed.
- e) No fill material shall be placed in any floodplain area unless an equal volume of material is simultaneously removed from the same site.

3) Paving engineering standards

- a) Finished street grades shall not be less than one and one-half percent (1.5%) nor more than seven percent (7%). The [Planning Commission](#) and [Zoning Commission](#), with a two-thirds vote, may approve a grade not to exceed ten percent (10%).
- b) All paving shall have a minimum width of twenty-six feet (26'), unless otherwise approved by the commission. Cul-de-sacs shall have a minimum outside diameter of one hundred six feet (106'), unless arranged for one-way traffic around a circle in which case the minimum paving width shall be twenty-two feet (22'). Where, in the opinion of the commission, a collector or arterial street is being constructed, a width greater than twenty-six feet (26') may be required.
- c) Construction standards: Paving of new streets shall be of a character suitable for the expected traffic and in harmony with surrounding areas. Curbs and gutters shall be provided. For primary streets, the minimum thickness of plain concrete pavement shall be eight inches (8") gutter to gutter; for secondary streets, the minimum thickness of plain concrete pavement shall be seven inches (7") gutter to gutter.
- d) All new streets, [public or private](#), must be portland cement concrete with doweled center joint, doweled transverse joints and a four-inch (4") rolled stone base. The mix design shall be at least a six-sack mix with five percent (5%) entrained air. Maximum slump shall be three inches (3"). The contractor shall provide the [City](#) with evidence of the mix design.
- e) The base rock shall be compacted to ninety-five percent (95%) maximum compaction using the modified Proctor method. Compaction tests shall be performed by a firm chosen by the City and the [City](#) shall be provided with the results of said tests.
- f) Underdrains constructed to [City](#) standards shall be placed behind the curb on all new streets. Streets with a grade in excess of seven percent (7%) must include through storm drains and pavement lugs constructed according to St. Louis County Standards.
- g) There shall be no street tree requirements. No street trees nor shrubs shall be planted within three feet (3') of any street pavement or sidewalk.
- h) Street lights in new subdivisions shall conform to Ameren requirements and shall be installed at all street corners and at all cul-de-sacs; however, no lights shall be located closer than four hundred feet (400') apart.
- i) The commission shall designate primary and secondary streets within the subdivision when reviewing the preliminary plans submitted by the developer or property owner. Paving shall be in accordance with these standards and applicable sections of St. Louis County construction standards.
- j) Prior to the application of base and surface course materials, the [City Engineer](#) or his delegate shall inspect the grading for streets and alleys to determine that the requirements for grading and other requirements hereof have been fulfilled. It shall be the responsibility of the developer to notify the [City Engineer](#) or his delegate not less than forty-eight (48) hours in advance that the work is to be ready for inspection. In the event that the developer fails to notify the [City Engineer](#) or his delegate, the developer shall pay for all costs of inspection, including test borings, laboratory analysis, or such other tests as required by the [City Engineer](#).
- k) Acceptance and final approval: Before the applicant's obligation to the City of Sunset Hills is terminated, all required improvements shall be constructed under the observation and

inspection of the inspecting agency and accepted for maintenance or given final approval by the City of Sunset Hills. A complete set of all "as built" construction drawings for streets, storm and sanitary sewers, and other utilities shall be filed with the [eCity clerk-Clerk](#) before the improvement bond, escrow or financial guarantee will be released.

4) **Stormwater standards**

- a) Adequate provision shall be made for the disposal of stormwater, subject to the approval of the Planning and Zoning Commission and the Metropolitan Sewer District. The detailed plans for the proper disposal of stormwater affecting the proposed subdivision, including the runoff from the area tributary as well as the area being developed, shall include such improvement as may be necessary to all open drainage channels, such as widening, straightening and paving, and a system of underground pipe sewers and appurtenances, which shall be separate and independent of the sanitary sewer system. The plans shall be prepared by a professional engineer, registered to practice in the State of Missouri, in accordance with the standard specifications and requirements of the Metropolitan St. Louis Sewer District.
- b) Plans for stormwater facilities, when submitted to the Planning and Zoning Commission for approval, shall bear the stamp of the approval of the Metropolitan St. Louis Sewer District.
- c) The construction of stormwater facilities shall be under permit from the inspection of said Metropolitan St. Louis Sewer District, and upon completion of construction, acceptance for maintenance by said Metropolitan St. Louis Sewer District shall be obtained by the subdivider from the district, in accordance with the regulations and requirements of said district.
- d) If stormwater detention is required by the Metropolitan Sewer District or the City of Sunset Hills for single-family residential subdivisions, it shall be provided underground in pipes or chambers designed for such detention. The pipes or chambers shall be constructed of reinforced concrete and shall be covered with earth and shall not be located in the principal building area of any lot. Dry or wet aboveground detention shall not be permitted in single-family subdivisions.

Comment [JW9]: From City of Kirkwood to better align with MSD standards

5) Sanitary sewers

- a) A system of sanitary sewers and appurtenance, providing a connection to each lot in the subdivision, designed in accordance with the standard specifications and requirements of the Metropolitan St. Louis Sewer District and installed under permit from and inspection of said sewer district, shall be installed in the subdivision, original construction shall include installation of house laterals to the property line for all lots in the subdivision.
- b) Plans for the sanitary sewer system shall be prepared by a professional engineer, registered to practice in the State of Missouri, and shall carry the stamp of approval of the Metropolitan St. Louis Sewer District when submitted to the Planning Commission for approval.
- c) Construction of the sanitary sewer system and inspection of Metropolitan St. Louis Sewer District and, upon completion of construction, acceptance for maintenance by Metropolitan St. Louis District shall be obtained by the subdivider from the district, in accordance with the regulations and requirements of said district.
- d) The sanitary sewer system, of the subdivision, when completed, shall connect to the sanitary sewer lines of the Metropolitan St. Louis Sewer District; or, except as provided in Subsection (g) below, if such connection is impracticable, the subdivider shall provide a local sewage disposal facility for the subdivision.
- e) Plans and specifications for such local sewage disposal facility shall be prepared for the subdivider by a professional engineer registered to practice in the State of Missouri, and the facility shall be designed and installed in accordance with the regulations of the state Board of Health and under the inspection of the St. Louis County Health Department and Metropolitan St. Louis Sewer District.
- f) Acceptance of a local sewage disposal plant for operation and maintenance shall be by Metropolitan St. Louis Sewer District and shall be obtained by the subdivider in accordance with the requirements of said sewer district.
- g) In cases where no outlet to the sanitary sewer system of the Metropolitan St. Louis Sewer District is reasonably available for a two-lot subdivision development and where each lot contains a minimum of one acre, the subdivider may be permitted to install a disposal system for each lot (septic tank with disposal field). Such individual sewage disposal systems shall be erected in accordance with the regulations and requirements of the state Board of Health and under the supervision and inspection of the St. Louis County Health Department.

6) Easements

- a) All proposed subdivisions shall have easements as determined by the commission to be adequate for the installation and maintenance of utility facilities, including cable television distribution systems.
- b) Where a cut or fill for a street extends beyond the limits of the right-of-way, the developer shall provide a slope easement or special escrow as determined by the commission to be of sufficient area and limits to permit the construction and maintenance of the slope.
- c) Whenever a stream or surface drainage course is located in an area proposed for a subdivision, the developer shall provide an easement determined by the commission to be adequate in area to contain facilities to take care of flooding or erosion along the stream or surface drainage course.

7) Stormwater and stormwater control easement

- a) Stormwater easements and drainage rights-of-way may be required if necessary, for proper drainage within and through a subdivision.
- b) Stormwater control easements are required along all major creeks and significant tributaries; around and including all new wet lakes functioning as part of a stormwater control system; and for all detention areas, basins, and related structures.
- c) Stormwater control easements shall include a minimum dimension of twenty feet (20') back from the bank of improved creek channels as approved on improvement plans, or of such width

Comment [JW10]: From City of Kirkwood to better align with MSD standards

back from unimproved channels as required by MSD. Easements shall include a distance of not less than ten feet (10') back from the estimated high-water line of lakes, dry detention areas, and basins.

- d) Final location of stormwater control easements shall be approved by MSD and the county as part of the improvement plan approval. Such easements shall subsequently be shown on a record plat or special easement plat.
- e) In addition to stormwater control easements, stormwater control access easement shall be required as necessary to provide for upkeep of the area within designated stormwater control easements. Separately designated access easements shall not be less than twenty feet (20') wide.
- f) The commission shall require script on the record plat or trust indentures for all development containing stormwater control easements and access easements to such areas, specifying assessments for and maintenance of such particular areas apart from other common land, until MSD accepts the easements.

8) Survey monuments

- a) Where none are existing, survey monuments shall be placed by a registered land surveyor at street corners; i.e., at a four-way intersection, two corners are required to be monumented, and at a three-way intersection, one corner is required to be monumented. For all other types of intersection, monuments shall be placed as determined by the ~~City engineer~~ Engineer. In addition, monuments shall be so located to find angle points, points of tangency of curves on one side of the street, and at all out-boundary corners.
- b) Should conditions prohibit the placing of any monuments at the above locations, offsetting of the permanent marker is permitted; provided, however, that the exact offset courses and distances are shown on the letter of certification when monuments are set. If a monument would be in a driveway, a cross, steel pin, iron pipe, or railroad spike would be permitted in concrete or asphalt.
- c) Monuments shall be of Portland Cement concrete, four square inches (4 sq. in.) on the top tapering to six square inches (6 sq. in.) on the bottom; stone, four square inches (4 sq. in.) or larger; and iron pipe or steel pins, from one half inches (0.5") to one and one-half inches (1.5") in diameter. All monuments noted above will have a length of two feet (2') or longer.
- d) An existing permanent bench mark, or a new permanent bench mark shall be accessibly established and shall be accurately noted on the record subdivision plat.

9) Disclosure of responsibility of street maintenance

- a) So long as there shall be a private street or a street not accepted by the City for maintenance within any subdivision, no person shall sell, lease, rent, offer to sell, lease or rent, or advertise for sale, lease or rental, any dwelling unit or non-residential property without disclosing to each prospective purchaser or tenant his responsibility with respect to subdivision streets in the manner required by this section. For the purpose of this section, "prospective purchaser or tenant" includes any person making inquiry of any responsible party with respect to purchase, rental, or lease of a dwelling unit or non-residential facility.
- b) Disclosure shall be made to each prospective purchaser or tenant in substantially the following form, where applicable:
 - i. THE STREETS IN THIS SUBDIVISION ARE PRIVATE. THE OWNERS, HOMEOWNERS' ASSOCIATION, OR CONDOMINIUM ASSOCIATION ARE RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE; or
 - ii. THE CONSTRUCTION DESIGN OF THESE STREETS HAS BEEN APPROVED BY THE CITY OF SUNSET HILLS. UNTIL SUCH TIME AS STREETS ARE ACCEPTED BY THE CITY FOR MAINTENANCE, THE OWNERS, HOMEOWNERS' ASSOCIATION, OR CONDOMINIUM ASSOCIATION WILL BE RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE; or
 - iii. THE STREETS IN THIS SUBDIVISION WHICH ARE CONSTRUCTED BELOW THE FLOOD ELEVATION ARE PRIVATE. THE OWNERS ARE RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE.
- c) Such modifications of the above language shall be made, and only such modifications may be made, as are necessary to plainly and accurately portray the current and future status of subdivision streets. Any reference in such disclosure to a board of trustees or managers or similar persons shall further disclose the manner of selection of existing and future trustees or managers and the manner in which any costs borne by such persons will be defrayed.
- d) The requirements of this section shall be complied with by any developer, development corporation, lender, title company, real estate broker, corporation, agent, manager or management corporation, and each agent or employee of any of the foregoing to the extent of involvement in marketing of subdivision property.
- e) It is the responsibility of each responsible party to accomplish the disclosure required by this section. Without limiting the generality of this obligation, a copy of the required disclosure, in any event shall be prominently listed in the sales office.

10) Lots

- a) All sidelines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be avoided.
- b) The minimum width of any lot in a subdivision shall not be less than the minimum width requirements of the zoning district in which the lot is located.
- c) The minimum area of any lot in a subdivision shall not be less than the minimum lot area requirements of the zoning district in which the lot is located. Lots with an area larger than the minimum requirements are desirable. Streets, roads, lanes, or easements for the same therefor shall not be included in minimum lot area.
- d) All developments with lots solely fronting on major streets should have a turnaround maneuvering area which eliminates having to back out onto streets.
- e) Two adjacent lots may share a common curb cut where it can be demonstrated that topography would require driveway slopes greater than twelve percent (12%) for house construction without the construction of measures such as extended foundations or retaining walls in order to match existing conditions. Driveway easements for the use of that portion of the adjoining property shall be provided by the owners.

- 11) Building lines shall be shown on all lots intended for residential use of any character, and on commercial lots immediately adjoining the residential areas. Such building lines shall not be less than required by the zoning ordinance Unified Development Ordinance. Provisions shall be made by indenture of restrictions requiring all parts of the building to be set back of such building lines.
- 12) In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use, so as to conform to the recommendations of the commission. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate taxing agency. If such facility is to be retained in private ownership, then a suitable indenture must be provided and submitted for approval of the commission.

7.1.4 – Non-residential standards.

In addition to the principles and standards in this ordinance which are appropriate to the planning of all subdivisions, the developer shall demonstrate to the satisfaction of the commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- 1) Proposed non-residential blocks shall comply in area and dimensions with all underlying zoning requirements for the types of non-residential development anticipated.
- 2) The minimum right-of-way width for streets within non-residential subdivisions shall be fifty feet (50'). Paving width of streets shall be a minimum of twenty-six feet (26') and sidewalks shall be a minimum of five feet (5') with five feet (5') of planting strip between the sidewalk and curb. Streets terminating in a cul-de-sac shall have a circular paved open space of one hundred ten-foot (110') diameter, and a right-of-way of one hundred twenty-foot (20') diameter.
- 3) Adjacent residential and other nonindustrial areas shall be protected from the potential nuisances of non-residential development. Protection methods shall comply with Section 4 of this ordinance.
- 4) Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas, as detailed in the Sunset Hills Comprehensive Plan, or connected to streets intended for predominantly residential traffic.

7.1.5 – Procedure for the acceptance of private streets for public maintenance.

The following procedures shall be followed in order to present an application to the Board of Aldermen for acceptance of private streets for maintenance by the City of Sunset Hills, Missouri ("City"):

- 1) The adjacent property owners or their representative ("applicant") shall submit an application to the Department of Public Works ("Department") requesting that the City consider accepting a private street for maintenance by the City. If the subject street is within a subdivision that has a homeowners' or property owners' association, the application shall be joined or written by an authorized representative of the association board, and the application shall include any subdivision plat, indentures, declarations, bylaws, and any other governing documents applicable to the subdivision.
- 2) The Director of Public Works shall present the application to the Public Works Committee. The department shall review the condition of the subject street and document all of the department's concerns including but not limited to street condition, legal issues, and ownership issues. The department shall also prepare a non-compliance report of any deficiencies that do not comply with the City street standards and codes. The Department shall further prepare a report regarding the annual maintenance costs to the City if the private street is accepted for public maintenance. The department's reports will be presented to the Public Works Committee and provided to the applicant.
- 3) If the subject street is not fully compliant with all City street standards and codes, then the applicant shall submit detailed engineering plans which specify all necessary improvements required to cure any deficiency and bring the street into full compliance with City standards and codes. The proposed

Comment [JW11]: Would the City like to require park/school site dedications?

I looked at Fenton, Kirkwood, University City, and Creve Coeur and they do not have park or school site dedication requirements or a fee in lieu system

Comment [JW12]: Revised from "suitable in area and dimensions" to more specifically refer to underlying zoning requirements

Comment [JW13]: Revised to remove discretion of commission

Comment [JW14]: Current text reads "Protection methods may include the provision of extra depth in blocks backing up on existing or potential residential developments and provisions for a permanently landscaped buffer strip when necessary."

Revised to refer to transition yard requirements established in Section 4, development standards

Comment [JW15]: Added to ensure future land use map is referenced

construction plan shall include a complete and accurate cost estimate for all proposed improvements and shall be certified by a licensed and registered design professional. After receiving the proposed construction plan, the department shall review them to determine whether the application and plans are complete and will cure the deficiencies.

- 4) The application, construction plans, and department reports shall be submitted to the ~~Public works Works committee~~Committee, then to the ~~planning and zoning~~Zoning ~~commission~~Commission for review, evaluation, and a recommendation for approval. The applicant shall meet with the ~~public~~Public ~~works~~Works ~~committee~~Committee and ~~planning and zoning~~Ceommission and jointly collaborate in an attempt to resolve all outstanding issues relating to street standards. The ~~public~~Public ~~works~~Works ~~committee~~Committee shall provide a recommendation to the ~~planning~~Planning and ~~zoning~~Zoning ~~commission~~Commission in favor of or against approval of the application. The ~~planning and zoning~~Zoning ~~commission~~Commission shall provide a recommendation to the ~~board~~Board of ~~aldermen~~Aldermen in favor of or against approval of the application.
- 5) The recommendations of the ~~public works~~Works ~~committee~~Committee and the ~~planning and zoning~~Planning and ~~zoning~~Zoning ~~commission~~Commission together with the application, construction plans, and all department reports shall be presented to the ~~board~~Board of ~~aldermen~~Aldermen for consideration. The board shall consider, among other factors, who benefits from accepting the private street for public maintenance, the annual costs to the ~~city~~City, and any compelling public interest in accepting the private street. The ~~city~~City shall not accept any private street that does not allow public access.
- 6) The ~~board~~Board of ~~aldermen~~Aldermen shall vote on whether to accept the private street(s) for public maintenance and the board's acceptance is conditional upon the timely construction of improvements to raise the street(s) to ~~city~~City street standards and code. The recommendations of the ~~public~~Public ~~works~~Works ~~committee~~Committee and the ~~planning and zoning~~Planning and ~~zoning~~Zoning ~~commission~~Commission shall not be binding upon the ~~board~~Board of ~~aldermen~~Aldermen. Construction shall begin within three months of conditional board acceptance and shall be completed within one year without penalty unless expressly approved otherwise. The applicant is responsible for ensuring that construction is timely and properly completed, as agreed, in order to raise the street to ~~city~~City standards and codes. The applicant is responsible for all costs including but not limited to the costs of inspection, construction plans, and construction.
- 7) Upon the ~~director~~Director of ~~public works~~Works certifying that the subject street is fully compliant with ~~city~~City standards and codes, the ~~director~~Director will so inform the ~~board~~Board of ~~aldermen~~Aldermen. After the ~~director~~Director informs the Board of Alderman, the ~~board's~~Board's acceptance will no longer be conditional, and the private street shall be deemed accepted by the ~~city~~City for public maintenance.

7.2 Procedure

7.2.1 – Submission of concept plan.

Prior to submitting a preliminary plat for the resubdivision of land within the corporate limits of the City of Sunset Hills, the developer may submit to the commission a concept plan for the tract.

- 1) The concept plan shall include the following information, all of which may be based on sources of information other than field survey data:
 - a) The location of the tracts in relation to the surrounding area.
 - b) The approximate location of all existing structures within the tract proposed to be retained and wooded areas within the tract or within two hundred feet (200') of the tract.
 - c) The names of the owners of all the property adjoining the tract as disclosed by the most recent assessor's record.
 - d) All existing streets, roads, wet and dry weather watercourses, and other significant physical features within the tract and within five hundred feet (500') of the tract.
 - e) Approximate location of proposed streets and property lines.
 - f) Direction of and approximate distance to nearest elementary and high school.

- g) A sketch of proposed site plan.
 - h) A north arrow and graphic scale.
 - i) Direction of and approximate distance to nearest existing major street intersections.
 - j) Approximate location of any historical building within the boundaries of the tract.
 - k) Intended method for processing sanitary waste.
- 2) The commission shall review and evaluate the concept plan as soon as practical and shall report to the developer its opinion as to the merits and feasibility of the improvements contemplated by the concept plan. This review and opinion shall not be construed as an approval.
 - 3) In the event that the developer elects not to submit a concept plan, all information contained thereon shall be submitted on or with the preliminary plat.

7.2.2 – Preliminary plat.

- 1) The developer shall prepare and submit to the commission such number of copies of a preliminary plat of the tract as shall be required. Such preliminary plat shall be submitted after receipt of the commission's report on the concept plan, if a concept plan was submitted. The preliminary plat shall be any scale from one-inch (1") equals twenty feet (20') through one-inch (1") equals one hundred feet (100'), so long as the scale is an increment of ten feet (10') and shall contain the following information:
 - a) All information required in section 2.1, submission of concept plan, if no concept plan has been submitted.
 - b) A key map showing the tract and its relation to the surrounding area.
 - c) A north arrow and graphic scale.
 - d) The name proposed for the tract or such part of the tract as is proposed to be subdivided, which shall be original and not a duplication of the name of any previously recorded subdivision or development in St. Louis County. The developer shall include a certification from the recorder of deeds office of St. Louis County to this effect.
 - e) The date of plan submission to the commission and the following names and addresses:
 - i. The record owner or owners of the tract.
 - ii. The party who prepared the plat.
 - iii. The party for whom the plat was prepared.
 - iv. The engineer and land surveyor who will design improvements for and survey the tract or such part of the tract as is proposed to be subdivided.
 - f) The approximate area of the tract stated in 0.1 of an acre.
 - g) Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points of the tract. Contour data shall extend one hundred fifty feet (150') beyond the limits of the subdivision boundaries. U.S.G.S. data is required.
 - h) The location of existing and proposed lines, water courses, sink holes, areas within the tract subject to inundation by stormwater, railroads, bridges, culverts, storm sewers, sanitary sewers, easements of record, existing buildings including use or other identified improvements that are to remain, and significant natural features such as wooded areas and rock formations.
 - i) The location of existing and proposed streets including additional right-of-way along existing streets as required in ~~subsection 2.1(f)~~Section 7.1.
 - j) The results of any tests made to ascertain subsurface rock and soil conditions and the water table.
 - k) The zoning district, including delineation of flood plain ~~zoning district~~, if any, and the Township, Range, Section, and U.S. Survey, school district, fire district, water company, and other special districts in which the tract is located.
 - l) Any proposed alteration, adjustment, or change in the elevation or topography of any area shown on the Federal Emergency Management Agency's (F.E.M.A.) flood boundary and floodway maps.

- m) Approximate area in square feet of minimum and maximum size lots, if less than one (1) acre in area, and in acres and tenths of acres if one (1) acre or more in area, into which the tract is proposed to be subdivided.
 - n) Indicate approximate location of existing and proposed sidewalks and pedestrian walkways.
 - o) Indicate proposed building lines and setback requirements.
 - p) Proposed type of treatment or method of sewage disposal to include name of trunk line, lateral or qualified sewage treatment system, where applicable.
 - q) A certification by registered land surveyor or engineer who prepared the plat that the plat is a correct representation of all existing and proposed land divisions.
 - r) Fire district comments must be received prior to preliminary plat approval for developments that have a single ingress and egress, and where variances are requested for pavement width reduction, maximum cul-de-sac length and number of units or lots served on a cul-de-sac.
 - s) A copy of the preliminary plat shall be sent to the ~~city~~ City ~~engineer~~ Engineer and ~~director~~ Director of ~~public~~ Public works ~~Works~~ for their review and comments. A copy of the ~~city~~ City ~~engineer~~ Engineer and ~~director~~ Director of ~~public~~ Public works ~~Works~~ comments shall be transmitted to the commission.
- 2) Development of parcels within the F.E.M.A. designated flood plain shall require approval of a flood plain study.
 - 3) The commission shall review the preliminary plat and shall approve or disapprove the plat within ninety (90) days from the date of filing.
 - a) If the plat is satisfactory, the chairman or his authorized representative shall thereupon affix a notation of approval, date of approval and his signature on the plat, denoting satisfactory compliance with the requirements of this ordinance. The plat shall be returned to the applicant who may then proceed in compliance with subsection 2.6 of this Article.
 - b) If the preliminary plat is unsatisfactory, the commission shall give notice to the submitting party in writing, setting forth the conditions causing the disapproval, and the unsatisfactory conditions shall be remedied prior to further consideration by the commission.
 - c) Whenever a preliminary plat includes a proposed establishment of common land, and the commission finds that such land is not suitable for common land due to terrain, benefit to a small portion of the lot owners, difficulty of maintenance or any similar reason, the commission may either refuse to approve such an establishment, or it may require the rearrangement of the lots in the proposed subdivision, to include such land. In any case where the establishment of common land is permitted to be included in the subdivision of a tract, a trust indenture shall be recorded simultaneously with the record plat which shall provide for the proper and continuous maintenance and supervision of said common land by trustees to be selected and to act in accordance with the terms of such indenture and the common land shall be deeded to the trustees under said indenture by general warranty deed. Any alterations of the common land or improvement will require the submission of detailed improvement plans and will be considered a required improvement; the submission shall be made to and approved by the commission.
 - d) The approval by the commission of the preliminary plat shall be valid for a period of one year from the date of approval or such longer period as the commission may determine to be advisable if after review by the commission such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public requirements. If no record plat of a subdivision or any part of the tract for which a preliminary plat has been approved is recorded within said ~~one~~ two-year (~~1~~ 2-year) period, or such longer period as the commission shall permit, a resubmission and review of the resubmission by the commission shall be required.

7.2.3 – Improvement plan requirements.

After the preliminary plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted for review to the commission. Improvement plans shall contain the following information:

- 1) Title page, which shall include a key map, showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.
- 2) North arrow and graphic scale.
- 3) Title block showing the name and address of the developer and engineering firm, as well as the engineer's seal.
- 4) One or more bench-marks, in or near the subdivision, to which the subdivision is referenced. The identity and elevation shall be based on sea level datum.
- 5) List of the standards and specifications followed, citing volume, section, page, or other references.
- 6) Paving details conforming to City specifications.
- 7) Details of streets, existing and proposed sanitary sewers, drainage channels, swales, and storm sewers.
- 8) Plans and profiles of streets and sewers, scale not less than one-inch (1") equals one hundred feet (100') horizontal; and one-inch (1") equals ten feet (10') vertical.
- 9) Existing and proposed survey monuments on street plans or on submitted copy of plans to be on proposed record plat.
- 10) A subdivision restriction agreement authorizing assessment of the property owners in the subdivision for the supervision, maintenance, construction and reconstruction of street paving, storm drainage facilities, sanitary facilitation, streetlights, sidewalks, common ground, and recreational equipment. If the proposed subdivision is small and does not reasonably require such an agreement, the commission, upon advice of the city-City Attorney or special counsel, may waive the necessity of such an agreement provided that the subdivision does not contain any streets or sidewalks.

7.2.4 – Improvement plan review procedure.

- 1) If the subdivision is within the limits of the MSD, there shall be submitted copies of paving and street grading plans together with drainage maps and runoff sheets for stormwater. The plans shall be reviewed first by the city-City engineer-Engineer and then by the commission-Commission. Corrections or additions shall be made, if needed, and when the plans are satisfactory to the city-City engineer-Engineer and to the commission-Commission, they shall be approved for submission of the sewer plans to the MSD. After the MSD has approved sanitary and storm sewer plans, the approved plans shall again be submitted to the City engineer-Engineer and then to the commission-Commission for review and final approval. Nothing in this ordinance shall prevent the developer from submitting improvement plans to the MSD prior to the improvement plans being submitted to the commission-Commission. Complete approval of the plans by all reviewing agencies and payment of inspection fees constitute authority to start construction or to post bond or escrow to cover the cost of improvements.
- 2) If the subdivision is not within the limits of the MSD, there shall be submitted the required number of paving and street grade plans together with drainage maps and runoff sheets for stormwater. The plans shall be reviewed first by the City engineer-Engineer and then by the commission. The sanitary sewage facilities of the subdivision shall be reviewed first by the city-City engineer-Engineer, the proper St. Louis County approving authority and then by the commission. Corrections or additions shall be made, if needed, and when the plans are satisfactory, the commission shall give approval. Complete approval of the plans by all reviewing agencies and payment of inspection fees constitute authority to start construction or to post bond or escrow to cover the cost of improvements.
- 3) Approval by the commission of the improvement plans shall be valid for a period of two years from the date of approval, or for such longer period as the chairman may determine to be advisable if after review by the commission-Commission such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public requirements. If the construction of the improvements shall not have been completed within said two-year period or

such longer period as the chairman may permit, a resubmission and review of the improvement plans by the commission may be required.

7.2.5 – Land subdivision improvements installed or guaranteed.

After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the applicant shall either:

- 1) Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate inspecting agency; or
- 2) Post a land subdivision bond or enter into an escrow agreement in accordance with the provisions hereafter set forth. The land subdivision bond or escrow agreement shall be prepared and executed on forms satisfactory to the commission and shall be submitted to the commission for approval. Said forms shall be approved by the ~~city~~ City attorney ~~Attorney~~ or special counsel prior to being sent to the commission.
- 3) A land subdivision bond shall be issued by a surety company or a title insurance company and shall insure or guarantee, to the extent of the amount specified by the commission in its estimate of the cost of the land subdivision, the construction and completion of the improvements shown by the approved improvement plans.
- 4) An escrow agreement shall provide that there shall be deposited with the escrow agent to be held in a special escrow account by the escrow agent, subject to audit by the City of Sunset Hills. The amount of the escrow shall not be less than the amount specified by the commission in its estimate of the cost of the improvements as reflected by the approved improvement plans and shall be in one of the following forms:
 - a) Cash; or
 - b) An irrevocable letter of credit or commitment from a lending institution to the escrow agent guaranteeing to such escrow agent the availability of the amount on deposit from time to time upon demand;
 - c) Certificates of deposit, treasury bills or other readily negotiable instruments, the type of which has been approved by the commission and endorsed to the escrow agent.
- 5) The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the escrow agent, as the case may be, until such time as the chairman shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:
 - a) The chairman, upon recommendation of the ~~City~~ engineer ~~Engineer~~ and the ~~city~~ City attorney ~~Attorney~~, shall release the surety or escrow agent from all or any part of its obligation only upon receipt of the requisite written notification from the inspecting agency; and
 - b) In no case shall the chairman authorize the release of more than ninety percent (90%) of the amount held as the bond or escrow sum until said improvements have been completed in a satisfactory manner, approved by the commission, and accepted or approved by the appropriate authority.
- 6) The term of the land subdivision bond or the escrow agreement shall not exceed two years in duration subject to the following:
 - a) If, at the end of the two year period, all the improvements reflected by the approved improvement plan have not been completed, the commission may extend the term of the land subdivision bond or the escrow agreement for a period not to exceed one additional year at each extension if after review by the commission such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public requirements. If said improvements have not been completed at the end of the two-year period or as extended by the commission, the commission may:

- i. Require the surety to perform on the bond and pay to the commission such amount as shall be equal to the lesser of the amounts required to complete the improvements or the amount of the bond not theretofore released; or
 - ii. Require the escrow agent to remit to the commission in cash or negotiable instruments constituting the escrow sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the applicant; or
 - iii. Require the applicant to submit a new land subdivision bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.
 - b) If the surety fails to perform on the bond or the escrow agent fails to remit the amount required within 30 days after written request, the chairman may recommend that the [City attorney Attorney](#) or special counsel take immediate action to require performance by the surety under the bond or to secure the payment by the escrow agent of the amount required.
- 7) All escrow agents and sureties shall be subject to spot audits by the City of Sunset Hills under the supervision of the chairman. If the escrow agent or surety fails to comply with any of the provisions of the escrow agreement or the land subdivision bond, the escrow agent or surety shall not after that time be allowed to act as escrow agent or surety for any subdivision improvement in the corporate area of the City of Sunset Hills for a period of two years.
- 8) If the developer petitions for acceptance of streets for public maintenance, and if the streets are so accepted, the developer shall post a bond acceptable in form to the [city City attorney Attorney](#) and in an amount sufficient to guarantee repairs due to construction and street failures. The bond shall be for a period of two years from the date of acceptance of the street.

7.2.6 Record plat.

The record plat together with a copy of the subdivision indenture where such are too lengthy to be shown on the plat, and three (3) prints of certified plans showing the improvements and that have been constructed within the subdivision (or a bond assuring construction of said improvements in accordance with plans previously approved) within a period of two (2) years shall be submitted to the commission. The commission shall act upon the final plat within sixty (60) days after it has been submitted unless the developer agrees to an extension of this period. The final plat is to be drawn at a scale of one hundred feet (100') or less to the inch from an accurate survey and on one or more sheets whose maximum dimensions are twenty-nine inches (29") by thirty-four inches (34"). In certain unusual instances where the subdivided area is of unusual size or shape, the commission may permit a variation in the scale or size of the final plat. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on each sheet together with all areas shown on other sheets.

- 1) The final plan shall show:
 - a) The boundary lines of the area being subdivided with accurate distances and bearings; also, all sections, U.S. Survey and Congressional Township Lines and the boundary lines of incorporated areas, sewer, school, and other legally established districts within or adjoining the subdivided area.
 - b) The lines of all proposed streets with their width and names, as well as the designation that the streets are private.
 - c) The accurate outlines of any property which is offered for dedication for public use.
 - d) The line of departure of one street from another.
 - e) The lines of all adjoining lands and the lines of adjacent streets with their widths and names.
 - f) All lot lines and an identification system for all lots and blocks.
 - g) Building lines and easements for rights-of-way provided for public use, service or utilities with figures showing their dimensions.

- h) All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, easements for building lines, and of any other areas for public or private use; the linear dimensions are to be expressed in feet and decimals of a foot.
 - i) Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
 - j) All survey monuments and ~~bench marks~~benchmarks together with their descriptions.
 - k) The original record plat shall have a signature line for the chairman of the commission, the mayor, the attestation by the city City clerk Clerk and a place for the ordinance number and the date of the ordinance.
- 2) The record plat shall be filed with the recorder of deeds within sixty (60) days after approval by the ~~board~~ Board of aldermenAldermen, together with the restriction agreement provided in the improvement plan. If any record plat and restriction agreement is not filed within this period, the approval shall expire.
 - 3) One copy of the record plat and restriction agreement as filed with the recorder of deeds shall be filed with the city City clerk Clerk within 30 days after filing with the recorder of deeds. A building permit shall not be issued until the copy is filed with the city City clerk Clerk. If the record plat and restriction agreement is not filed with the city City clerk Clerk within the 30 days period, the approval shall expire.

7.3 – Lot Split Procedure.

No lot split shall be recorded in the office of the recorder of deeds unless and until approved by the commission in compliance with this section. Whenever there is a tract or previously subdivided parcel under single ownership which is to be resubdivided into two lots, and which exists as a legal lot of record, such a division shall be designated as a "lot split" if the following criteria are met:

- 1) That no additional improvements are required that would necessitate the posting of an escrow or bond, including water mains, and landscaping within a street right-of-way dedication. Establishment of a right-of-way only shall not be construed as an improvement in this section.
- 2) That no provisions for common land or recreational facilities are included in the proposal.
- 3) That the use of the lot split procedure does not adversely affect the subject parcel or any adjoining properties.
- 4) That the proposed lot split is not in conflict with any provisions of the zoning ordinanceUnified Development Ordinance.
- 5) No variances are required.

7.3.1 – Procedure for the approval of a lot split.

- 1) Two (2) drawings of a certified survey, prepared by a land surveyor registered in the State of Missouri on paper not less than eight and one-half inches (8.5") by eleven inches (11") in size showing the following shall be submitted:
 - a) A legal description of both the original lot and each of the proposed lots. This must be surveyed and performed by a registered surveyor.
 - b) North arrow and graphic scale.
 - c) Location of proposed and existing streets and adjoining property.
 - d) Location of all existing buildings.
 - e) Within their boundaries of approval, improvements in the St. Louis County Water Company Missouri American Water Company and the Metropolitan St. Louis Sewer District shall be shown on the tract drawings.
 - f) Name, address, and telephone number of the owner of record and a copy of the deed of record.
- 2) The following items shall accompany the required survey:
 - a) Filing fee as set forth in the City's fee schedule.
 - b) Certificate from the office of the St. Louis County collector of revenue showing that there are no delinquent taxes outstanding.
 - c) Verification of fire hydrants and adequacy of water supply from applicable fire protection district.

- d) Verification of proper placement of survey monuments from the ~~eCity engineer~~Engineer, or an escrow agreement or land subdivision bond to guarantee installation of survey monuments in accord with subsection 2.2 (g) of this ordinance.
- 3) The commission shall review the proposed lot split to ~~insure~~ensure compliance with all design and improvement requirements of this ordinance and the ~~zoning ordinance~~Unified Development Ordinance. Lot splits found to be in compliance with the above requirements shall be approved by the commission ~~and shall be recorded with the recorder of deeds of St. Louis County~~. The lot split plat shall be tendered to the St. Louis County Recorder of Deeds after adoption by the Board of Aldermen of an ordinance approving same.

7.4 – Minor Subdivisions.

- 1) A subdivision shall be considered a minor subdivision if the division or redivision of land does not establish more than four lots which all meet the following criteria.
 - a) That the proposed subdivision of land does not include an improvement within a street right-of-way, other than concrete sidewalks, landscaping, monuments, lateral extensions of sanitary and storm sewers, and water mains. Establishment of a right-of-way only shall not be construed as an improvement in this section. However, landscaping, street lights, monuments, and water mains shall be required unless waived. Requirement of any additional improvements or the use of any special procedure of the ~~zoning ordinance~~Unified Development Ordinance shall disqualify the proposed subdivision from consideration as a minor subdivision.
 - b) That the proposed subdivision of land does not include a provision for common land or recreational facilities.
 - c) That the proposed subdivision of land does not adversely affect, as determined by the commission, the development of the parcel proposed for subdivision as well as the adjoining property.
 - d) That the proposed subdivision of land is not in conflict with any provisions of the ~~zoning ordinance~~Unified Development Ordinance.
- 2) The commission may waive without a variance request the requirement of submission of all other plans except the record subdivision plat. However, in such cases, pertinent data as required by section 7.2, Submission and review of a preliminary plat, shall be submitted to the commission for review.
- 3) All requirements for the record plat shall be required prior to approval of any minor subdivision.

7.5 – Dwelling Unit Display Plat Procedure.

7.5.1 – Purpose. To provide a procedure by which the construction of a display house or attached single-family display unit can begin prior to the recording of the record subdivision plat.

7.5.2 – Procedure. After receiving approval of a preliminary plat of a proposed subdivision from the commission the developer may submit a display plat to the [City Engineer](#) for review and approval. There may be two display houses or units for subdivisions proposing less than ten (10) lots or units. Developments containing at least 10 lots or units and not more than sixty (60) lots or units proposed shall be allowed three display houses. For developments containing greater than sixty (60) lots or units one additional display house or unit for every twenty (20) houses or units proposed beyond sixty (60) will be permitted, not to exceed ten (10) display houses or units.

7.5.3 – Display plat. The display plat shall include a complete outboundary survey of the proposed subdivisions, and the location of each display in relation to proposed lots. The script shall comply with the requirements of the commission including, but not limited to, the following:

- 1) The display plat shall be recorded in the Office of the St. Louis County recorder of deeds prior to issuance of a building permit for any display;
- 2) The display plat shall become null and void upon the recording of a record plat which establishes that each display is on an approved lot;
- 3) No part of the proposed subdivision may be conveyed, nor an occupancy permit issued, for any structure in the proposed subdivision until the display house or units have been located on an approved lot.
- 4) If initial construction of a display has not commenced within sixty (60) days, the commission's approval shall lapse, and the display plat shall be null and void.
- 5) Lots should be on an approved lot of record within one (1) year of the display plat's recording or such longer period as may be permitted by the chairman. If the record plat is not filed, the then-owner shall remove or cause to be removed all display houses or units from the property. Failure of owner to remove the display houses or units from the property within one year plus thirty (30) days of date of approval shall constitute the granting of authority of the [City](#) to remove or cause the display houses or units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.
- 6) The display plat shall be executed by the owner and lienors.

7.6 – Boundary Adjustments; exceptions.

7.6.1 – Purpose.

The purpose of this section is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites; however, it is not intended that extensive replatting be accomplished by use of this section.

7.6.2 – Boundary adjustments.

Boundary adjustments must meet with following criteria:

- 1) No additional lot shall be created by any boundary adjustment.
- 2) The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by the [zoning ordinance Unified Development Ordinance](#).

7.6.3 – Procedure

- 1) A boundary adjustment may be accomplished by plat or by deed but must include an adequate legal description of the boundaries of the original lots and of the adjusted lots.
- 2) The boundary adjustment plat or deed shall be submitted to the planning commission for review and approval prior to its recording with the recorder of deeds of St. Louis County.

7.7 – Fees.

Fees shall be required for the following and shall be included in the fees, penalties, and fines schedule of the City of Sunset Hills municipal code as amended from time to time:

- 1) Preliminary development plan and Final development plan
- 1) —
- 2) ~~Final development plan~~
- 3) 2 Amended development plan

Comment [JW16]: Revised to remove fees from ordinance

- 4)3) Minor subdivision
- 5)4) Preliminary subdivision
- 6)5) Subdivision improvement plans
- 7)6) Subdivision record plat
- 7) Improvement plan approval
- 8) [Boundary adjustment](#)

7.8 – Enforcement.

- 1) No plat of any subdivision shall be entitled to be recorded in the county recorder's office or have any validity until it shall have been approved in the manner prescribed in this Section.
- 2) The appropriate designee shall not approve for issuance building or repair permits for any structure located on a lot in any subdivision the plat of which has been prepared after the date of the adoption of this ordinance, but which has not been approved in accordance with the provisions contained in this Section. Neither shall any building or repair permit be issued for a structure located on a lot which has been sold or transferred by metes and bounds if the deed for such lot was recorded after the date of the adoption of this ordinance.
- 3) The ~~board~~ [Board of aldermen](#) shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions contained in this Section.

Comment [JW17]: PUD subsection removed, now covered by Section 8

7.9 – Penalties.

Any person, persons, firms, associates, corporations, agent, or employee of a firm, associate, or corporation, violating any of the provisions of this ordinance shall be punished in accordance with the fees, penalties, and fines schedule of the City of Sunset Hills municipal code.

7.10 – Validity.

If any clause, word, paragraph, section, or other part or portion of this ordinance is held to be invalid or unconstitutional for any reason, the ~~board~~ [Board of aldermen](#) as a result of the adoption of this ordinance declares that it would nevertheless have enacted the remaining portion of this ordinance and such remaining portion shall remain in full force and effect notwithstanding the determination that such other portion is invalid or unconstitutional.

Section 8 – Planned Development

8.0 - Intent and Purpose

The purpose of the regulations, standards, and criteria contained in this Chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Chapter. The objective of the planned development is to encourage a higher level of design, amenity, and public benefit than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of ~~city~~-City plans, including but not limited to the Comprehensive Plan and all other relevant plans, and planning policies of the City while departing from the strict application of the use and bulk regulations as detailed in Section 3 of this Title. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- 1) To stimulate creative approaches to the commercial, non-single-family detached residential, industrial, and mixed-use development of land.
- 2) To streamline the approval process for development that deviates from zoning standards.
- 3) To provide more efficient use of land.
- 4) To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
- 5) To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- 6) To unify building and structures through design.
- 7) Promotion of long-term planning pursuant to the City of Sunset Hills Comprehensive Plan and other relevant plans and planning policies of the City, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.
- 8) To find creative solutions to stormwater and sustainability related issues.

8.1 – General Provisions

- 1) The following must be approved as a planned development in accordance with the Unified Development Ordinance:
 - a) Any non-single-family-detached development on a lot of 2-acres or greater;
 - a)b) Any development in the R-1, R-2, R-3, R-4, R-5, or R-6 Districts which proposes a use that is not listed as permitted or conditional in Table 3.4.
- 2) The following may be approved as a planned development in accordance with the Unified Development Ordinance:
 - a) Any non-single-family-detached development on a lot less than 2-acres;
- 3) Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development upon an already existing

planned development except to the extent such planned development has been approved as part of a development master plan.

- 4) The burden of providing evidence and persuasion that any planned development is necessary and desirable shall in every case rest with the applicant.
- 5) Buildings and uses or combinations of uses within a planned development shall be limited solely to those approved as part of the ordinance granting a planned development permit provided, however, the Board of Alderman may permit buildings and uses or combinations of buildings and uses in compliance with an approved development master plan.

8.2 – Standards for Review

Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the planned development to the City or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental features, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned development, the Planning and Zoning Commission and/or the Board of Alderman, as the case may be, shall be required to make certain findings based on the following standards:

- 1) **Required Findings.** No application for a planned development shall be approved unless all the following findings are made about the proposal:
- 2) **City Plans.** The planned development shall conform with the general planning policies of the City's official plans, including but not limited to the Comprehensive Plan, [Design Guidelines](#), and other relevant plans and planning policies of the City.
- 3) **Public Welfare.** The planned development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- 4) **Impact on Other Property.** The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
- 5) **Impact on Public Facilities and Resources.** The planned development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as may be reasonably determined by the Board of Alderman. These required impact donations shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.
- 6) **Archaeological, Historical or Cultural Impact.** The planned development shall adequately consider any substantially adverse impact of a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.

- 7) **Parking and Traffic.** The planned development shall have or make adequate provision to provide ingress and egress to the proposed use by motorized and nonmotorized modes of transportation in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.
- 8) **Adequate Buffering.** The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
- 9) **Performance.** The applicant shall demonstrate to the City reasonable assurance that, if authorized, the planned development can be completed according to schedule as designed.
- 10) **Appearance.** The design of all buildings, structures, and facilities on the site of the planned development shall meet the design related recommendations of the relevant ~~city~~-City plans, including but not limited to the Comprehensive Plan and other relevant plans and planning policies of the City.
- 11) **Signs.** Any sign on the site of the planned development shall be in conformity with or shall satisfy the standards of review for variations as detailed in Section 5 of this Title.

8.2.1 – Modification Standards.

In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned development. These standards shall not be regarded as inflexible but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.

- 1) **Integrated Design.** A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features, utilizing quality building materials and a design consistent with guidelines, policies, and recommendations of relevant ~~C~~city plan.
- 2) **Beneficial Common Open Space.** Any common open space in the planned development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
 - a) Areas reserved for the exclusive use or benefit of an individual tenant or owner.
 - b) Dedicated streets, alleys, and other public rights-of-way.
 - c) Vehicular drives, parking, loading and storage area.
 - d) Irregular or unusable narrow strips of land less than 15 feet wide.
- 3) **Location of Higher Buildings.** Higher buildings shall be located within the planned development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.
- 4) **Functional and Mechanical Features.** Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other

screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

- 5) **Visual and Acoustical Privacy.** The planned development shall provide reasonable visual, and acoustical privacy for each dwelling unit and tenant space. Fences, insulations, walls, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
- 6) **Sustainable Best Practices.** A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, landscaping design, and infrastructure reflective of sustainable best practices.
- 7) **Landscape Conservation and Visual Enhancement.** The existing landscape and trees in a planned development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and land forms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.
- 8) **Drives, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to minimizing the number of vehicular access points to public streets, the location of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
- 9) **Storm Water.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

8.3 – Site Development Allowances

Notwithstanding any limitations on variations which can be approved as contained elsewhere in the Zoning Code, site development allowances, i.e., deviations or relief from the underlying zoning provisions set forth outside this Chapter may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this section and is necessary for proper development of the site.

8.4 - Procedures

The following steps are provided to assure the orderly review of every planned development application in a timely and equitable manner:

8.4.1 - Pre-filing Review and Transmittal of Application

- 1) **Conference.**

- a) A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a pre-filing conference(s) with the City Administrator or his/her designee, and any other ~~city~~-City staff or official so designated. The purpose of the conference(s) is to help the applicant understand the ~~city~~-City plans, including but not limited to the Comprehensive Plan and other relevant plans and planning policies of the City, the Unified Development Ordinance, the site development allowances, the standards by which the application will be evaluated, and the application requirements.
 - b) After the initial pre-filing conference, the prospective applicant shall introduce their project to the Board of Alderman. The Board may provide feedback to the applicant based on materials presented. This feedback from the Board of Alderman is intended to provide the applicant with an initial impression relative to the character, appropriateness, and intensity of the proposed development, prior to the applicant officially filing for a planned development. Any comments and feedback from the Board of Alderman at this meeting is non-binding. The applicant is expected to provide a brief narrative and development concept plan sufficient to communicate the character of the proposed development.
 - c) After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents.
 - d) All requests for waiver shall be reviewed within 30 working days by the City Administrator or his/her designee. A final determination regarding the waiver shall be given to the prospective applicant following the decision.
 - e) The applicant, prior to submitting a formal application for a planned development, will be required to schedule a neighborhood meeting to discuss the proposed planned development and its impact on area residents. The applicant shall send a written notice of the meeting via first class mail to all owners (as determined from current real estate tax records) of property located within 500 feet of any lot line of the subject property included in the proposed planned development. Such notice shall be mailed not less than 15 days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the City Administrator or his/her designee. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.
- 2) **Filing of Application.** Following the completion of the pre-filing conference(s), the applicant shall file an application for a planned development in accordance with this Section. The City Administrator or his/her designee shall deliver copies of the application to other appropriate City departments for review and comment.
 - 3) **Deficiencies.** The City Administrator or his/her designee shall determine whether the application is complete. If the City Administrator or his/her designee determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
 - 4) **Report on Compliance.** A copy of the complete application and a written report incorporating the comments of City staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this Section shall be delivered to the Planning and Zoning Commission prior to the public hearing.

- 5) **Determination Not Binding.** Neither the City ~~Manager's Administrator's~~ or his/her designee's determination that an application is complete nor any comment made by the City Administrator or his/her designee or City staff at a pre-filing conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned development permit for the proposed planned development, or component part thereof, nor shall be intended or construed as a binding decision of the City, the Planning and Zoning Commission or any staff member.

8.4.2 - Review and Action by the Planning and Zoning Commission:

- 1) Upon receiving the report from the City Administrator or his/her designee, the Planning and Zoning Commission shall hold at least one public hearing on the proposed planned development. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this Section, State law and rules of procedure adopted by the Planning and Zoning Commission, including Section 14: Public Notices.
- 2) The Planning and Zoning Commission shall review the application, the standards and requirements established by this Section, the report of the City Administrator or his/her designee, and any oral and written comments received by the Planning and Zoning Commission before or at the public hearing. Within 45 days following the close of the public hearing and at a regular meeting, the Planning and Zoning Commission shall make specific written findings addressing each of the standards set forth in this Section and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the Board of Alderman.

8.4.3 - Review and Action by the Board of Aldermen:

- 1) Within 90 days of receipt of the recommendation of the Planning and Zoning Commission, the Board of Aldermen shall hold at least one public hearing on the proposed planned development. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this Section, State law and rules of procedure adopted by the Board of Aldermen, including Section 14: Public Notices.
- 2) The Board of Aldermen shall review the application, the standards and requirements established by this Section, the report of the City Administrator or his/her designee, the recommendation of the Planning and Zoning Commission, and any oral and written comments received by the Board of Aldermen before or at the public hearing. The Board of Alderman shall then either:
 - a) deny the application;
 - b) refer the application back to the Planning and Zoning Commission for further review;
 - c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived; or
 - d) adopt an ordinance approving the planned development permit.
- 3) In approving a planned development permit, the Board of Alderman may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this Section and to prevent or minimize adverse impacts on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk, and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress

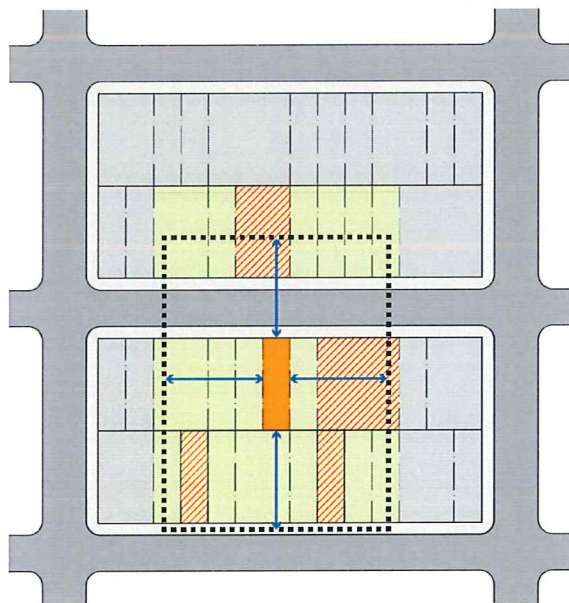
and egress; hours of operation; and such other conditions as the Board of Alderman may deem to be in furtherance of the objectives of this Section.

3)4) **Protest.** In case of a protest petition against any proposed planned development signed and acknowledged by the owners of thirty percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed planned development or within an area determined by lines drawn parallel to and one hundred and eighty-five feet distant from the boundaries of the proposed planned development, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the board. The 30% threshold required for a protest under this Section is determined by computing a ratio of the total area contained in the protesting lots divided by the area contained in all lots within the 185 foot radius of the subject parcel.

~~8.4.4—Protest. In case of a protest petition against any proposed planned unit development signed and acknowledged by a minimum of thirty percent (30%) of the owners of real property within 185 feet of the parcel of land for which the planned unit development is proposed, such planned unit development shall not become~~

Planned Unit Development Protest Petition

8.4.3(4)



Legend

- Subject Parcel
- Lots within 185 feet of Subject Parcel
- Protest Boundary
- Protesting Lots
- 185 feet

Sample Calculation

Total area* of Lots within 185 feet of Subject Parcel = 324,000 sq.ft.

Total area* of Protesting Lots = 84,000 sq.ft.

$$84,000 / 324,000 = 0.259 \text{ (25.9\%)}$$

Favorable vote of 2/3 of members of Board is not required to approve Conditional Use.

In this example, the total area* of protesting lots would need to be at least 97,200 sq.ft. to meet the 30% threshold.

*area is exclusive of streets and alleys

~~effective except by the favorable vote of two-thirds (2/3) of all the members of the board.~~

8.5 - Application Requirements

- 1) An application for a planned development may only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
- 2) Applications for a planned development shall be filed with the City Administrator or his/her designee in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the City. Every application shall contain, at a minimum, the following information, and related data:
 - a) The names and addresses of the owner of the subject property, the applicant, and all persons having an ownership or beneficial interest in the subject property and proposed planned development.
 - b) A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.
 - c) A survey of, and legal description and street address for the subject property.
 - d) A narrative describing the proposed planned development's overall character, uses, operations, intent, and impact.
 - e) A zoning analysis and narrative identifying conformity with zoning standards, any site development allowances being requested, and the rationale for why each requested site development allowance is necessary and desirable.
 - f) A statement indicating compliance of the proposed planned development with relevant ~~city~~-City plans, including but not limited to the Comprehensive Plan and other relevant plans and planning policies of the City; and evidence of the proposed project's compliance in specific detail with each of the "Standards for Review" for planned developments.
 - g) A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities.
 - h) A scaled site plan of the proposed planned development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.
 - i) Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.
 - j) A landscaping plan showing the location, size, character and composition of vegetation and other material.
 - k) The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
 - l) A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned development.

- m) A professional traffic study performed by a firm chosen by the City showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, any streets and access easements, and any impact on current conditions.
 - n) A professional economic analysis acceptable to the City, including the following:
 - i. The financial capability of the applicant to complete the proposed planned development;
 - ii. Evidence of the project's economic viability; and
 - iii. An analysis summarizing the economic impact the proposed planned development will have upon the City.
 - o) Copies of all environmental impact studies as required by law.
 - p) An analysis setting forth the anticipated demand on all City services.
 - q) A plan showing off-site utility improvements required to service the planned development, and a report showing the cost allocations and funding sources for those improvements.
 - r) A stormwater management plan, to include stormwater calculations and site drainage plan for the planned developed.
 - s) A written summary of residents' comments, pertaining to the proposed application, from any meeting held pursuant to subsection 5.1.1.d above.
 - s)t) Where a proposed Planned Development includes a request for subdivision the requirements of Section 7.2.3 (Improvement Plans) must be met and shall be submitted as a part of the Planned Development application.
- 3) Every application must be accompanied by a fee in such amount as established from time to time by the Board of Alderman to defray the costs of providing notice and contracting with independent professionals to review applications as required. Such professional costs may include but are not limited to engineering, legal fees, traffic analyses, environmental impact studies, land use design or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the Planning and Zoning Commission or the Board of Alderman.

8.6 – Effect of Approval or Denial

- 1) Approval of the planned development permit by the Board of Alderman authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the City may require for the proposed planned development. The City Administrator or his/her designee shall review applications for these permits for compliance with the terms of the planned development permit granted by the Board of Alderman. No permit shall be issued for development which does not comply with the terms of the planned development permit.
- 2) The Board of Alderman shall direct the City Administrator or his/her designee to revise the Official Zoning Map to reflect the existence and boundaries of each planned development.
- 3) Subject to subsection seven below, an approval of a planned development permit by the Board of Alderman shall be null and void if the recipient does not file an application for a building permit relative to the proposed planned development within nine (9) months after the date of adoption of the ordinance approving the planned development permit.
- 4) Subject to subsection seven below, an approval of a planned development permit by the Board of Alderman shall be null and void if construction has not commenced within 15 months and is not completed within 30 months after the date of adoption of the ordinance approving the planned development permit.
- 5) Subject to subsection 8 below, an approval of a planned development permit with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
- 6) An approval of a planned development permit with a master development plan shall be null and void if construction has not commenced or is not completed in accordance with the terms and conditions contained in the development master plan.
- 7) An extension of the time requirements stated in subsections three, four, five, and six of this Section may be granted by the Board of Alderman for good cause shown by the applicant, provided a written request is filed with the City at least four weeks prior to the respective deadline.
- 8) A planned development permit shall be null and void if the use or combination of uses for which the approval was granted ceases for a consecutive period of one year.
- 9) No application for a planned development which was previously denied by the Board of Alderman shall be considered by the Planning and Zoning Commission or the Board of Alderman if it is resubmitted in substantially the same form and/or content within one year of the date of such prior denial. In this regard:
 - a. City Administrator or his/her designee shall review the application for a planned development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the Board of Alderman to appeal the determination of the City Administrator or his/her designee that the application is substantially the same, provided a petition for appeal is filed in writing with City Administrator or his/her designee within 10 days of the determination.

- b. The Board of Alderman shall affirm or reverse the determination of the City Administrator or his/her designee, regarding whether the new application is in substantially the same form, within 30 days of receipt of a petition for appeal.
- c. If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process and have it reviewed in accordance with the provisions of the Zoning Code.

8.7 – Amendments and Alteration to Approved Planned Development Permits

- 1) Except as provided in subsection two below, any modifications to an approved planned development permit or any addition to or expansion of an existing planned development permit shall **be treated like a new planned development and** require separate review and approval under the provisions of the Zoning Code.
- 2) As determined by the City Administrator or his/her designee, a minor change is any change in the site plan or design details of an approved planned development permit which is consistent with the standards and conditions applying to the planned development permit and which does not alter the concept or intent of the planned development. A minor change shall not increase the planned development's density or increase the height of buildings, ~~decrease~~**increase** parking counts by more than 5%, alter alignment of roads, utilities or drainage. Any change not considered a minor change will be considered a major modification and require a separate public hearing to amend the previously approved planned development.

Section 9 – Conditional Use Permit

9.1 - Intent and purpose.

Conditional uses are those types of uses which tend to be problematic because they; (1) have a tendency to generate significant traffic volumes and/or turning movements, (2) have operational characteristics that may have a detrimental impact on adjacent or nearby properties, or (3) have other characteristics which may impact public health, safety, or welfare; but can be approved if such uses meet the criteria established herein. Conditional uses also include public and quasi-public uses affected with the public interest. In order to ensure that detrimental impacts are avoided or mitigated to a satisfactory level, conditional uses must be reviewed, approved, and issued a conditional use permit, in accordance with the provisions of this ~~section~~Section. Conditional uses are listed for each zoning district (see Section 3 of this ~~ordinance~~Ordinance).

9.2 - Procedures.

9.2.1 - Initiation of the conditional use permit process. The conditional use permit process may be initiated by submitting a completed application and supporting documentation from one or more of the owners of record or owners under contract of a lot of record, or their authorized representative, or by the Planning and Zoning Commission or the Board of Aldermen.

9.2.2 - Application and plan requirements. An application form for a conditional use permit shall be filed with the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~. In addition to submitting the completed application, the applicant shall submit the following information if deemed necessary by the Director of Public Works or his/her designee:

- 1) Legal owners of the property proposed for the conditional use permit.
- 2) Common street address of the property proposed for the conditional use permit.
- 3) Site plan.
- 4) Estimated impact of the conditional use on the surrounding properties and adjacent streets, including, but not limited to, average daily and peak hour traffic generation, existing traffic volumes of adjacent streets, if available, use of outdoor intercoms, and any other operational characteristics of the proposed use that may have impacts on other adjacent or nearby properties.
- 5) Optionally, at the applicant's discretion, unless otherwise required by the Board or Commission, any perspectives, elevations, or models that will assist in clarifying the proposal.

9.2.3 - Review procedure.

- 1) Submission by applicant:
 - a. The applicant shall submit one copy of the site plan and other information required by Section 7.2-2 to the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~ for staff review. Upon completion of staff review, the applicant shall submit the requested number of copies, incorporating any necessary changes, to the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~ for distribution to the Planning and Zoning Commission and the Board of Aldermen.
 - b. The initial submittal of the application and supporting information shall be submitted not later than ~~5:00 p.m.~~close of City Offices of the day after the regular Board of Aldermen meeting in order to be considered at the next regularly scheduled Planning and Zoning Commission meeting.

DRAFT FOR REVIEW AND DISCUSSION PURPOSES ONLY

2) Planning and Zoning Commission review:

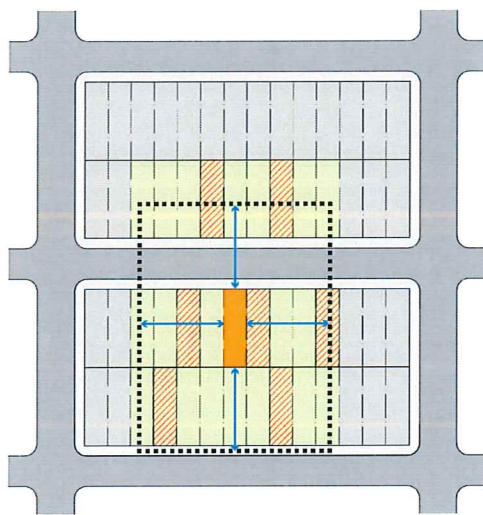
- a. The application and supporting information shall be taken under consideration by the commission for its recommendation and report, which report shall be delivered in writing to the board within 90 days from the date of acceptance of the application.
- b. The commission shall consider the extent to which the evidence provided demonstrates compliance with the criteria contained in this ~~section~~Section. In the event that the commission concludes that insufficient information has been provided to make a determination of compliance with such standards, it may postpone its recommendation until such time sufficient information has been provided to render a recommendation to the board, or it may recommend denial of the conditional use permit application. The commission shall recommend to the Board of Aldermen that the conditional use permit be approved, denied, or approved with conditions. Such conditions may include, but are not limited to, one or more of the following:
 - i. Size, height, and location of proposed buildings and structures;
 - ii. Landscaping and screening;
 - iii. Parking and loading requirements;
 - iv. Signage;
 - v. Traffic flow and access requirements;
 - vi. Exterior lighting;
 - vii. Hours of operation; or
 - viii. Architectural and engineering features.
- c. These conditions may be in addition to any regulations contained in the applicable zoning district or other applicable regulations of the ~~city~~City, to the extent that they serve to avoid or sufficiently mitigate any potential adverse impact of a conditional use.

3) Board of Aldermen action:

- a. Upon the filing of the report by the commission, the board shall proceed to hold a public hearing in relation thereto. Notice of such hearing shall comply with the public notice requirements contained in Section 14 of this ~~ordinance~~Ordinance.
- b. After said public hearing, the board may deny, approve, or approve with conditions, including the adoption of the commission's recommendations on conditions of use or a modified version thereof. The recommendations of the commission shall not be binding on the board. The board may refer the application back to the commission for further study before making its final decision.
- c. In approving a conditional use, the board may require greater setbacks and/or buffer areas than required by this ~~ordinance~~Ordinance and may include other restrictions on the development not otherwise specified or required in this ~~ordinance~~Ordinance, provided that such additional requirements or restrictions are reasonable and necessary to address specific issues related to the site and/or to protect areas adjacent to the proposed development.

9.2.4 – Protest. In case of a protest petition against any proposed conditional use signed and acknowledged by the owners of thirty 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 one hundred and eighty-five feet distant from the boundaries of the proposed conditional use; such conditional use shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the board. The 30% threshold required for a protest under this Section is determined by computing a ratio of the total area contained in the protesting lots divided by the area contained in all lots within the 185 foot radius of the subject parcel.

Conditional Use Protest Petition
9.2.4



Legend

- Subject Parcel
- Lots within 185 feet of Subject Parcel
- Protest Boundary
- Protesting Lots
- 185 feet

Calculation

Total area of Lots within 185 feet of Subject Parcel = 150,000 sq. ft.

Total area of Protesting Lots = 50,000 sq. ft.

$50,000 / 150,000 = 0.33$ (33.3 percent)

Favorable vote of 2/3 of members of Board required to approve Conditional Use.

~~In case of a protest petition against any proposed conditional use signed and acknowledged by a minimum of thirty percent (30%) of the owners of real property within 185 feet of the parcel of land for which the conditional use is proposed, such conditional use shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the board.~~ **9.3 - Criteria and standards for conditional use permit approval.**

9.3.1 – Criteria. The board shall not approve any conditional use, which they determine to:

- 1) Substantially increase traffic hazards or congestion.
- 2) Substantially increase fire hazards.
- 3) Adversely affect the character of the neighborhood.
- 4) Adversely affect the general welfare of the community.
- 5) Overtax public utilities.
- 6) Conflict with standards contained in Section 5.
- 7) Conflict with the goals and objectives or proposed land use in the comprehensive plan.

7.3.2 Standards:

~~(A) General: Every conditional use shall comply with the regulations of the district in which it is located, and in addition, with the conditions and requirements specified herein.~~

~~(B) Special conditions:~~

~~1. Non-residential uses in residential districts:~~

~~a. Access to the parking lot shall be located, where possible, on nonresidential streets.~~

~~b. Except as otherwise specified in this subsection, the minimum building setback from adjacent residential properties shall be one hundred and fifty (150) feet.~~

~~2. Schools: Playgrounds shall be separated from adjacent residential properties by a planting strip of at least twenty (20) feet in width and fenced with an opaque wood or masonry wall of six (6) feet in height.~~

~~3. Parks:~~

~~a. Permanent service structures shall not occupy more than ten (10) percent of the total area of the park.~~

~~b. All play facilities within one hundred feet (100) of any residential area shall be separated from it by an opaque wood or masonry wall of six (6) feet in height.~~

~~4. Hospitals: The minimum building setback from adjacent residential properties shall be three hundred fifty (350) feet, with parking areas located no closer than one hundred (100) feet.~~

~~5. Libraries: The minimum building setback from adjacent residential properties shall be one hundred fifty (150) feet.~~

7.3.3 Standards for motor vehicle oriented businesses:

~~(A) Motor vehicle oriented businesses may only be permitted as a conditional use in the C-1 Commercial District or in the PD Planned Development Districts. When approved as a conditional use, the motor vehicle oriented businesses must comply with all applicable requirements of Section 7. When approved in a Planned Development District, the motor vehicle oriented businesses must comply with all applicable regulations of Section 4.~~

Comment [JW1]: Moved to use provisions

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- ~~(B) Traffic requirements: All Motor vehicle oriented businesses require a conditional use permit. Any existing motor vehicle oriented business that plans to modify the configuration of the site in any manner, will require an amended conditional use permit. Petitions for conditional use or amended conditional use permits will require the applicant to submit a traffic impact study (or analysis) and an access management plan, prepared by a traffic engineer and signed by a registered professional engineer. (See Definitions, Section 3).~~
- ~~(C) Site design standards: The following site design standards shall be met for all motor vehicle oriented businesses:~~
- ~~1. *Minimum lot area:* Twenty thousand (20,000) square feet.~~
 - ~~2. *Minimum lot frontage:* One hundred fifty (150) feet. On corner lots, the frontage requirements shall apply to only one (1) side.~~
 - ~~3. *Limit of pump islands with convenience stores:* Convenience stores with fuel pumps shall be limited to the maximum number of pump islands that can be accommodated without jeopardizing traffic safety. A general guideline shall be one (1) pump island per minimum seven thousand five hundred (7,500) square feet of site area. Square feet of site area is calculated by subtracting out the area designated for the convenience store. A pump island is the raised concrete platform that the MPDs (multiple petroleum product dispensers) sit atop. Each MPD shall allow no more than two (2) vehicles to fuel simultaneously.~~
 - ~~4. *Setbacks:* From public streets and property lines shall be as follows:~~
 - ~~a. *Front yard:* There shall be a front yard having a depth of not less than thirty (30) feet. Where a lot is located at the intersection of two (2) or more streets, the front yard requirements shall apply to each street, except that the buildable width of the lot shall not be reduced to less than thirty (30) feet in which latter event the board of aldermen may waive this requirement to the street which will least affect other property values. No accessory building, service islands, and other service or pick-up facilities shall project beyond the front building setback line.~~
 - ~~b. *Side yard:* There shall be a side yard on each side of the building of not less than fifteen (15) feet. Side yard requirements shall be seventy five (75) feet where abutting any residential district.~~
 - ~~c. *Rear yard:* There shall be a rear yard having a depth of not less than fifteen (15) feet. Rear yard requirements shall be seventy five (75) feet, where abutting any residential district.~~
- ~~(D) Used oil storage: All used oils and other similar materials and products shall be stored only in underground or inside areas.~~
- ~~(E) Vehicular areas:~~
- ~~1. The entire area used by vehicles for parking, storage, and service, etc., shall be paved with asphaltic concrete, concrete, or other material approved by the director of public works.~~
 - ~~2. A raised curb shall be placed at the edge of all pavements.~~
 - ~~3. All hydraulic hoists, pits, lubrication, washing, repair, and service not of an emergency nature or unusual short term minor work shall be conducted entirely within a building.~~
- ~~(F) Ingress and egress:~~
- ~~1. The minimum width of driveways at the property line shall be twenty four (24) feet, and the maximum shall be fifty (50) feet.~~

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2. ~~The minimum distance of any driveway to any side property line shall be twenty four (24) feet. This distance shall be measured from the side property line to the intersection of the street right-of-way and the edge of the driveway.~~
 3. ~~Driveway openings shall be limited to one (1) drive per one hundred (100) feet of lot frontage. For parcels with frontage on more than one street the number of driveway openings shall be based on the frontage length on each street individually.~~
 4. ~~The minimum distance a driveway into the site from a street intersection shall be thirty (30) feet measured from the intersection of the street rights-of-way to the nearest end of the curb radius of the proposed driveway.~~
 5. ~~The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and shall be approved by the director of public works.~~
 6. ~~Motor vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.~~
- ~~(G) Screening: All motor vehicle oriented businesses shall provide for screening and buffer areas in a manner which conforms with the regulations set forth in Section 5.13 of this ordinance.~~
- ~~(H) Storage of flammable materials: Flammable materials used in the conduct of motor vehicle oriented businesses when stored above ground, shall be stored within the building setback lines. All storage of flammable materials shall be subject to the approval of the appropriate fire district.~~
- ~~(I) Other conditions: The planning and zoning commission may recommend, and the board of aldermen may require, provisions for other conditions which will tend to eliminate or reduce public nuisances caused by noise, heat, odor, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of this zoning ordinance.~~
- ~~(J) Termination or lapse of conditional use permit:~~
1. ~~When a motor vehicle oriented business' conditional use permit is authorized by the board of aldermen, the continuation of such use shall be dependent upon the conditions established under the permit and this section; and in the event of a change of condition or noncompliance with conditions, the board shall have the authority to revoke the conditional use permit after affording the permittee the right to be heard.~~
 2. ~~When a motor vehicle oriented business' building becomes vacant and its conditional use permit not utilized for a period of one (1) year, the permit shall lapse and the use of the land thereafter conform to the use permitted in the zoning district in which it is located.~~

9.4 - Terms and limitations.

9.4.1 - Permit effective date. The conditional use permit shall become effective upon approval by the board. In the event that an application for a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ~~ordinance-Ordinance~~ authorizing the zoning change.

9.4.2 - Site plan approval and issuance of permit. If the board approves a conditional use permit with conditions or restrictions that affect the site plan as previously submitted, said site plan shall be revised to reflect such applicable conditions or restrictions and submitted to the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~. Upon determination that the site plan complies with such conditions or restrictions, the enforcement officer shall issue a written statement that it complies with the conditions of the conditional use permit issued by the Board of Aldermen.

9.4.3 - Failure to commence construction or operation. Unless otherwise stated in the conditions of a particular conditional use permit, substantial construction work or operation of the conditional use (where construction is

not involved) shall be null and void if construction has not commenced within 15 months and is not completed within 30 months after the date of adoption of the ~~ordinance~~ Ordinance approving the conditional use permit.

9.4.4 - Revocation of conditional use permit. Upon finding violation of the terms of the conditional use permit, the board shall have the authority to revoke the permit after notice to the permittee and/or property owner and affording the same the opportunity to be heard.

9.4.5 - Transferability. All conditional use permits shall be approved for the specific tract or parcel of land and may not be transferred to any other location. Once an approved conditional use is established, the conditional use permit may be transferred to a successor landowner or operator upon delivery to the enforcement officer of the written acceptance of the terms and conditions of the conditional use permit by such successor.

9.5 -- Fees

Prior to processing any conditional use permit application, the applicant or developer shall pay any fee required in full and deposit with the City such amounts as required by the fees, penalties, and fines schedule for the City of Sunset Hills municipal code as it may be amended or replaced.

Comment [JW2]: Revised to match PUD requirements

Comment [JW3]: Revised to keep fees out of ordinance so they can more easily be revised

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Conditional-use permit:

~~≤ one (1) acre: Two hundred fifty dollars (\$250.00).~~

~~> one (1) acre: Two hundred fifty dollars (\$250.00) plus twenty five dollars an acre or fraction thereof over one (1) acre.~~

~~(Ord. No. 1721, § 1, 4-22-2008)~~

Section 10. – Administration and Enforcement

10.1 - Zoning ~~enforcement-Enforcement officer~~Officer.

10.1.1 – Appointment. This ~~ordinance-Ordinance~~ shall be enforced by the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~ who shall be the ~~city-City engineer-Engineer~~ or delegate appointed by the Board of Aldermen.

10.1.2 – Duties. The ~~zoning-Zoning enforcement-Enforcement officer-Officer~~ shall be responsible for interpreting and administering the provisions of this ~~ordinance-Ordinance~~ and shall have primary responsibility for the enforcement of this ~~ordinance-Ordinance~~ by means of the duties specified herein. Without limiting the generality of the previous sentence, the duties and authority of the enforcement officer shall be as follows:

- 1) Provide administrative support to the Planning and Zoning Commission, including maintaining the records thereof. Specifically, the enforcement officer shall provide the commission with review, analysis, reports, and recommendations on:
 - a) Petitions for rezoning (zoning map amendments);
 - b) Proposed text amendments to this ~~ordinance-Ordinance~~;
 - c) Conditional use permit applications; and
 - d) Planned developments.
- As needed, the enforcement officer shall obtain and compile the comments from other ~~city-City~~ staff with respect to the above subjects.
- 2) Determine whether applications for building permits comply with applicable requirements of this ~~ordinance-Ordinance~~.
- 3) Administer the conditional use permit provisions contained in Article 7.
- 4) Provide administrative support to the ~~board-Board of adjustment-Adjustment~~, including maintaining records thereof. This includes receiving, filing, and forwarding to the ~~board-Board of adjustment-Adjustment~~, all information constituting the record upon which actions appealed from are taken.
- 5) Supervise the preparation of updates to the official zoning map.
- 6) Except as otherwise provided for in this ~~ordinance-Ordinance~~, notify in writing any person responsible for violating any of the provisions of this ~~ordinance-Ordinance~~, indicating the nature of the violation and ordering the necessary corrective action.
- 7) May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this ~~ordinance-Ordinance~~ by issuing a stop work or stop use order.

- 8) May refer any violation of this ~~ordinance~~ Ordinance to the ~~city~~ City attorney-Attorney for prosecution or other appropriate action when deemed necessary.
- 9) The enforcement officer may adopt such administrative policies as necessary to the carrying out of such duties.

10.2 - Planning and Zoning Commission.

The Planning and Zoning Commission of the City of Sunset Hills, which has been duly created by the Board of Aldermen, is the commission referred to in this ~~ordinance~~ Ordinance. The Planning and Zoning Commission responsibilities, with respect to this ~~ordinance~~ Ordinance, shall include:

- 1) To review and report to the board its recommendations on petitions to amend the official zoning map (e.g., rezoning).
- 2) To review and report to the board its recommendations on proposed text amendments to the regulations contained in this ~~ordinance~~ Ordinance.
- 3) To review and report to the board its recommendations on conditional use permit applications.
- 4) To review and recommend approval or disapproval of preliminary and final "development plans" to the board.
- 5) Other such responsibilities as delegated by the board in order to effectuate the provisions of this ~~ordinance~~ Ordinance.

10.3 - Building permits.

No building permit shall be issued until the application for such permit has been determined by the ~~zoning~~ Zoning enforcement-Enforcement officer-Officer to be in compliance with the provisions of this ~~ordinance~~ Ordinance or with a written order from the ~~board~~ Board of ~~adjustment~~ Adjustment in the form of an administrative review decision on an appeal or variation as provided in Section 9 of this ~~ordinance~~ Ordinance.

10.4 - Enforcement.

10.4.1 - Construction and use must comply with approved plans and permits. All permits issued on the basis of plans and/or applications approved by the board, commission and/or the ~~zoning~~ Zoning enforcement-Enforcement officer-Officer authorize only the use, arrangement, and/or construction set forth in such approved plans and/or applications and no other use, arrangement, or construction.

~~10.4.2 - Entry and inspection of land and buildings.~~ The mayor, members of the Board of Aldermen, members of the Planning and Zoning Commission, the zoning enforcement officer, the building commissioner, and the Director of Public Works are hereby empowered in the performance of their duties, to enter upon any property in the City of Sunset Hills for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards required to effectuate the purpose and provisions of this ordinance.

10.5 - Violations and penalties

10.5.1 - Procedure to prevent violations. ~~The Zoning Enforcement Officer, in addition to remedies provided in this Section, may institute any appropriate civil action or proceeding to prevent any unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.~~

~~The zoning enforcement officer, in addition to remedies provided in this section, may institute any appropriate action or proceeding to prevent any unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. The zoning enforcement officer 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 this ordinance.~~

10.5.2 – Penalties. ~~The owner or general agent of the building or premises where a violation of any provision of this Ordinance 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, general agent, lessee or tenant or any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an Ordinance violation, punishable by a fine not to exceed one thousand dollars (\$1,000.00) and costs, or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment for each and every day that such violation continues.~~

~~The owner or general agent of the building or premises where a violation of any provision of this ordinance 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, general agent, lessee or tenant or any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) and costs, or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment for each and every day that such violation continues.~~

~~Any person who, having been served with an order to remove any such violation, shall fail to comply with said order within 90 days after service thereof, or shall continue to violate any provision of this ordinance in the respect named in such order shall also be subject to a civil penalty in accordance with the fees, fines, and penalties schedule for the City of Sunset Hills municipal code.~~

Section 11. - Appeals and Variances

11.1 - Board of ~~A~~adjustment

11.1.1 - ~~Appointment; term; vacancies and organization.~~

- 1) The board of adjustment shall consist of five members, who shall be residents in the City of Sunset Hills. The term of office of the members of the ~~board-Board~~ of ~~adjustment-Adjustment~~ shall be for five years.
- 2) Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the Board of Aldermen upon written charges and after public hearing.
- 3) The ~~b~~Board of ~~adjustment-Adjustment~~ shall elect its own chairperson who shall serve as such for one year.
- 4) Vacancies on 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.

11.1.2 - ~~Powers and duties.~~ The ~~board-Board~~ of ~~adjustment-Adjustment~~ shall have the following powers and duties:

- 1) To hear and decide all matters referred to it or upon which it is required to pass under this ~~ordinance-Ordinance~~.
- 2) To hear appeals in the manner prescribed in Section 11.2 of this ~~section-Section~~ where it is alleged there is error in any order, requirement, decision, or determination made by the ~~zoning-Zoning enforcement Enforcement officer-Officer~~ in the administration and enforcement of this ~~ordinance-Ordinance~~.
- 3) To vary or modify in the manner prescribed in Section 11.3 of this ~~section-Section~~ the application of any of the provisions of this ~~ordinance-Ordinance~~ where there are practical difficulties or unnecessary hardships in the carrying out the strict letter of this ~~ordinance-Ordinance~~, so that the spirit of this ~~ordinance-Ordinance~~ shall be observed, public safety and welfare secured, and substantial justice done.

11.1.3 - ~~Procedures.~~

- 1) Meetings shall be held at the call of the chairperson and at such other times as the board may determine.
- 2) Hearings and rules:

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- a) All meetings of the board shall be open to the public.
- b) The board shall set a date for any required hearings and public notice of them shall be given to the parties in interest. Notice of the public hearing shall be given in accordance with the requirements of [section Section 14](#) of this [ordinanceOrdinance](#).
- c) All testimony at such hearings shall be given under oath. The chairperson or, in her/his absence the acting chairperson, shall administer the oaths and may compel the attendance of witnesses.
- d) The [board-Board](#) of [adjustment-Adjustment](#) shall keep minutes of its proceedings, showing the vote of each member upon each 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 within the office of the board (office of the [zoning-Zoning enforcement-Enforcement officerOfficer](#)) and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the board for that purpose.

11.1.4 - Vote required. The concurring vote of four members of the [board-Board](#) of [adjustment-Adjustment](#) shall be necessary to reverse any order, requirement, decision, or determination of the [zoning-Zoning enforcement-Enforcement officerOfficer](#), or to decide in favor of the applicant on any matter upon which it is required to pass under this [ordinance-Ordinance](#) or to affect any variation in this [ordinanceOrdinance](#).

11.1.5 - Judicial review of decision of the [board-Board](#) of [adjustmentAdjustment](#). All decisions of the [board-Board](#) of [adjustment-Adjustment](#) shall be subject to judicial review in the manner provided by RSMo 89.110.

11.2 - Appeals

11.2.1 – Initiation. Appeals to the [board-Board](#) of [adjustment-Adjustment](#) may be taken by any person aggrieved, by any neighborhood organization as defined in RSMo [32.102.89.100](#) representing such person, or by any officer, department, board, or bureau of the City of Sunset Hills affected by any decision of the [zoning-Zoning enforcement-Enforcement officerOfficer](#).

Comment [JW4]: Updated

11.2.2 - Time for appeals. Such appeals shall be taken within a reasonable time, not to exceed 30 days from the time the incident appealed from occurred.

11.2.3 – Filing. The aggrieved party shall file his/her appeal, specifying the grounds thereof, with the zoning enforcement office and with the [board-Board](#) of [adjustment-Adjustment](#) including all papers constituting the record upon which the action appealed from was taken. The appeal shall include, but not be limited to:

- 1) A copy of the order, requirement, decision, or determination of the [zoning-Zoning enforcement-Enforcement officer-Officer](#) which the applicant believes to be in error.
- 2) A clear and accurate, written description of the proposed use, work, or action to which the appeal is involved and a statement justifying the applicant's position.
- 3) Where necessary, a plot plan, drawn to scale, in duplicate showing existing conditions and proposed plans for the area in question.

11.2.4 - Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the [zoning-Zoning enforcement-Enforcement officer-Officer](#) certifies by letter to the [board-Board](#) of [adjustment-Adjustment](#) after the notice of appeal is filed with him, that by reason of specific facts stated in the letter, a stay would, in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed except by order of the [board-Board](#) of [adjustment-Adjustment](#) or by order of a court of record upon due notice to the [zoning-Zoning enforcement-Enforcement officer-Officer](#) and on due cause shown.

11.2.5 - Decision on appeals. The ~~board-Board~~ of ~~adjustment-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 ~~zoning-Zoning enforcement-Enforcement officerOfficer~~. The board shall render a written decision on the appeal without unreasonable delay after the close of the public hearing.

11.3 - Variations

11.3.1 - Application for a variance. An application for variance shall be filed with the ~~zoning-Zoning enforcement Enforcement officerOfficer~~, who shall forward the application to the ~~board-Board~~ of ~~adjustment-Adjustment~~. The application shall contain the following information as well as such additional information as the ~~board-Board~~ of ~~adjustment-Adjustment~~ may be necessary for the ~~board-Board~~ of ~~adjustment-Adjustment~~ to make findings and render a decision on the requested variance:

- 1) The particular requirements of this ~~ordinance-Ordinance~~ that prevent the proposed construction;
- 2) The unique characteristics of the subject property, which prevent compliance with the requirements of this ~~ordinance-Ordinance~~;
- 3) The practical difficulty or particular hardship which would result if the particular requirements of this ~~ordinance-Ordinance~~ were applied to the subject property; and
- 4) The reduction or modification of the minimum requirements of this ~~ordinance-Ordinance~~ that would be necessary to permit the proposed construction.

The burden of proof shall rest with the applicant to clearly establish that the required findings for granting a variance, as established in Section 10.3.2 of this ~~section-Section~~, are satisfied.

11.3.2 - Findings. The ~~board-Board~~ of ~~adjustment-Adjustment~~ may grant variances from the strict application of this ~~ordinance-Ordinance~~ when by reason of the strict application of this ~~ordinance-Ordinance~~ or amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be granted without substantial impairment of the intent, purpose, and integrity of this ~~ordinance-Ordinance~~. It is further provided that this provision shall not permit the ~~board-Board~~ of ~~adjustment-Adjustment~~ to permit a use of land not authorized by the provisions of this ~~ordinance-Ordinance~~ for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ~~ordinance-Ordinance~~ for any particular zoning district. Before granting a variance, there must be a finding by the ~~board-Board~~ of ~~adjustment-Adjustment~~ that all of the following conditions exist:

- 1) That if the owner complied with the provisions of this ~~ordinance-Ordinance~~, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.
- 2) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district.
- 3) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.
- 4) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

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11.3.3 - Non-conforming situations as a basis for variations. The existence of any non-conforming situation anywhere in the ~~city~~-City shall not itself be considered grounds for the issuance of a variance to the regulations applicable to other property.

11.3.4 - Public hearing. The ~~board~~-Board of ~~adjustment~~-Adjustment shall hold a public hearing, with notice thereof being provided in accordance with Section 14 of this ~~ordinance~~Ordinance. This notice shall contain the particular location for which the variation is requested as well as a brief description of the proposed variation.

11.3.5 - Decisions on variance applications.

- 1) The ~~board~~-Board of ~~adjustment~~-Adjustment shall render a written decision, including findings of fact on the application for a variation without unreasonable delay. The findings of fact shall specify the reason or reasons for allowing the variation.
- 2) Conditions and restrictions:
 - a) In granting a variation, the ~~board~~-Board of ~~adjustment~~-Adjustment may impose such conditions and restrictions upon the property benefited by the variation as may be necessary to reduce or minimize any potentially injurious effect of such variation upon other property in the neighborhood, and to carry out the general purpose and intent of this ~~ordinance~~Ordinance.
 - b) A variation may be issued for a specified duration as it applies to the existence of the structure for which the variation was granted.
- 3) No variation granted by the ~~board~~-Board of ~~adjustment~~-Adjustment shall be valid for a period longer than six months from the date on which it grants the variation, unless within such period:
 - a) A building permit or other required permit is obtained and the construction, alteration, or moving of the structure is commenced.
 - b) If a building or other permit is not required, the construction of the project for which the variation was required is commenced.
- 4) The ~~board~~-Board of ~~adjustment~~-Adjustment may grant extensions not exceeding 180 days each, upon written application, without notice or hearing.
- 5) In the event that a variation is denied, no request for the same variation shall be accepted by the ~~city~~-City for a period of one year from the time the ~~board~~-Board of ~~adjustment~~-Adjustment denied the original request.

Section 12. – Non-Conforming Situations

12.1 - Applicability

12.1.1 - Non-conforming situations versus violations.

- 1) The provisions of this ~~section~~Section shall apply to all non-conforming situations as defined herein. Establishment of any use or development of land after the effective date of this ~~ordinance~~Ordinance or amendment thereto, which does not comply with the regulations contained in this ~~ordinance~~Ordinance or amendment thereto, shall be considered a violation of this ~~ordinance~~Ordinance and not a non-conforming situation.
- 2) A non-conforming situation shall not be deemed to have existed on the effective date of this ~~ordinance~~Ordinance or amendment thereto, unless:
 - a. At the time of its creation, it was valid;
 - b. It was in existence on a continuous basis and to its fullest extent on such date; and
 - c. If such non-conforming situation is a use, such use had not been discontinued, as herein defined, on such date.

~~10.2~~ Definitions:

~~Discontinuance: The non-use of the non-conforming use for six (6) consecutive months.~~

~~Non-conforming situation: A non-conforming situation is one which lawfully existed prior to the effective date of this ordinance or any amendment thereto, and which fails to conform to one (1) or more of the applicable regulations of this ordinance or such amendment thereto. For purposes of this Section, non-conforming situations are divided into the following categories:~~

~~(A) — Non-conforming use: A non-conforming situation that occurs when property is used for a purpose made unlawful by the regulations of this ordinance which govern the use of property, including uses that do not comply with the performance standards established in Section 5.17 of this ordinance.~~

~~(B) — Dimensional non-conformity: A non-conforming situation that involves any of the following:~~

~~1. — The height of a structure, or the relationship between an existing building or buildings and other buildings or lot lines, which does not conform to the applicable dimensional regulations (e.g., setbacks) contained in this ordinance;~~

~~2. — A lot of record that does not meet the minimum area or dimensional requirements of the district in which the lot is located;~~

~~3. — Development of property, including buildings and other improvements thereon, which do not comply with regulations governing intensity of use, such as density (e.g., dwelling units per acre), and maximum building or site coverage;~~

~~4. — Provision of off-street parking or loading spaces which does not meet the minimum requirements, or exceptions thereto, as specified in Section 6 of this ordinance; or~~

~~5. — Any other situation where improvements to land do not comply with any quantitative or dimensional standard applicable to such improvement.~~

Comment [JW5]: Moved to definitions section

Where such a dimensional non-conformity relates to a building or structure, the term "non-conforming structure" shall be considered synonymous with the term dimensional non-conformity.

12.2 - Non-conforming uses

12.2.1 - Authority to continue use. Any non-conforming use of part or all of a structure or any non-conforming use of land, not involving a structure or only involving a structure which is accessory to such use of land, may be continued, so long as otherwise lawful, subject to the following provisions:

- 1) Ordinary repair and maintenance:
 - a. Normal maintenance and incidental repair or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure; provided, however, that this ~~subsection-Subsection~~ shall not be deemed to authorize any violation of paragraphs (2) through (5) below, and ~~subsections-Subsections~~ 12.2.2, 12.2.3 and 12.2.4 of this ~~ordinanceOrdinance~~.
 - b. Nothing in this section shall be deemed to prevent the strengthening or restoring of a structure to a safe condition or to comply with health or safety laws, provided such restoration shall be subject to the conditions set forth in this ~~ordinanceOrdinance~~.
- 2) Remodeling: No structure shall be remodeled unless the use thereof shall thereafter conform to all provisions of this ~~ordinanceOrdinance~~. For purposes of this ~~sectionSection~~, the term "remodel" shall mean to reconstruct or relocate exterior walls, bearing walls or bearing partitions; or to substantially alter the exterior appearance of a building by adding or removing architectural elements, by changing the roof line, or by closing up or relocating door or window openings.
- 3) Expansion of use: A non-conforming use of a lot or building shall not be enlarged, expanded, or extended to occupy a greater area of lot or building than was occupied on the effective date of this ~~ordinanceOrdinance~~, or amendment thereto, and no additional accessory use, building or structure shall be established thereon.
- 4) Enlargement of building or structure: No building or structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner, unless such building or structure addition and the entire use thereof (both existing space and the addition) shall thereafter conform to all of the provisions of this ~~ordinanceOrdinance~~.
- 5) Moving: No structure that is devoted in whole or in part to a non-conforming use shall be moved, in whole or in part, to any other location on the same or any other lot, unless the entire structure and use thereof shall thereafter conform to all of the provisions of this ~~ordinanceOrdinance~~ after being so moved. No non-conforming use of land shall be moved, in whole or in part, to any other location on the same or any other lot, unless such use shall thereafter conform to all of the provisions of this ~~ordinanceOrdinance~~ after being so moved.

12.2.2 - Change of use. A non-conforming use shall not be changed to any use other than a permitted use in the zoning district in which the property is located. When a non-conforming use has been changed to any permitted use, it shall not thereafter be changed back to a non-conforming use.

12.2.3 - Discontinuance of use. When a non-conforming use is discontinued for a period of six (6) months or more, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land or building shall comply with the provisions of this ~~ordinanceOrdinance~~.

Comment [JW6]: Added 6-month definition for discontinued

12.2.4 - Non-conforming accessory uses. No use which is accessory to a principal non-conforming use shall continue after such principal use has been discontinued.

12.2.5 - Status of conditional uses.

- 1) Any use existing as of the effective date of this ~~ordinance~~ Ordinance or amendment thereto that was issued a conditional use permit and continues to be classified as a conditional use under the applicable district regulations of this ~~ordinance~~ Ordinance shall not be considered a non-conforming use. Such a use may continue, subject to compliance with the conditions set forth in the conditional use permit.
- 2) Any use that was issued a conditional use permit prior to effective date of this ~~ordinance~~ Ordinance or amendment thereto but is no longer permitted as a conditional use or as a permitted use upon such effective date, shall be considered a non-conforming use, subject to the provisions of this ~~section~~ Section.
- 3) Uses existing prior to the effective date of this ~~ordinance~~ Ordinance, or amendment thereto, which were not classified as a conditional use, but are so classified upon such effective date, shall be deemed a lawful conforming use. In the event that such existing use is to be altered (other than maintenance and remodeling), expanded, intensified, or otherwise changed, then such use shall be required to obtain a conditional use permit, pursuant to the procedures set forth in Section 9 of this ~~ordinance~~ Ordinance.

12.3 - Dimensional non-conformities

12.3.1 - Non-conforming lots of record.

- 1) Any lot of record at the time of adoption of this ~~ordinance~~Ordinance, that does not meet the requirements of this ~~ordinance~~Ordinance for required lot area, may be utilized for any use permitted in the zoning district in which the lot is located, provided all the requirements for such zoning district, except the required lot area, are met on said lot.
- 2) Nothing in this ~~section~~Section shall prohibit the combination of a non-conforming lot of record with another adjoining lot, or lots, so as to create a lots that complies with the requirements of this ~~ordinance~~Ordinance. Such lot consolidations may be accomplished under the subdivision procedures specified in Section 7, "Subdivisions" of the City of Sunset Hills Unified Development Ordinance.

12.3.2 - Non-conforming structures. Any non-conforming structure may remain as a non-conforming structure, subject to the following provisions:

- 1) Enlargement, repair, alterations: Any such structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except as may be approved by the Director of Public Works or his/her designee.
- 2) Damage or substandard conditions: Any such structure shall be subject to the provisions of Section 12.4 of this ~~ordinance~~Ordinance.
- 3) Moving: No such structure shall be moved, in whole or in part, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the provisions of this ~~ordinance~~Ordinance after being moved.

12.4 - Damage or substandard conditions.

12.4.1 - Damage less than 50 percent of replacement value: Nothing in this Section shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged, by any means, to an extent less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the ~~zoning~~Zoning enforcement-Enforcement officerOfficer; provided, however, that the restoration of such structure and its use in no way increases any former non-conformity, and provided that restoration of such structure is begun within six months of such damage and diligently prosecuted to completion within two years following such damage.

12.4.2 - Damage greater than 50 percent of replacement value: Whenever such structure has been damaged, by any means, to an extent of more than 50 percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure) at the time of damage, as determined by the ~~zoning~~Zoning enforcement-Enforcement officerOfficer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ~~ordinance~~Ordinance.

12.4.3 - Substandard conditions: When a structure is determined by the ~~zoning~~Zoning enforcement-Enforcement officerOfficer, to be in violation of the building code or any applicable health or safety code, and the cost of placing the structure in condition to satisfy the standards under such codes exceeds 50 percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any reusable foundation associated with such structure), as determined by the ~~zoning~~Zoning enforcement-Enforcement officerOfficer, the structure and use thereof shall not be restored except in full conformity with the regulations of this ~~ordinance~~Ordinance.

Section 13. – Amendments

13.1 - Types of amendments

Amendments to this ~~ordinance-Ordinance~~ shall be classified as follows:

13.1.1 - Text amendments. Changes to the written provisions contained in this ~~ordinance-Ordinance~~ shall be referred to as "text amendments."

13.1.2 - Map amendments. Changes to the designation of and/or location of district boundaries illustrated on the official zoning map shall be referred to as "map amendments" (also referred to as "rezoning").

13.2 - Procedures

13.2.1 - Initiation of amendment.

- 1) Text amendments: A petition for a text amendment may be filed by any person.
- 2) Map amendments (rezoning): Actions on map amendments may be initiated by:
 - a) Motion of the Board of Aldermen.
 - b) Motion of the Planning and Zoning Commission.
 - c) Petition by one or more of the owners or authorized representatives of the owner(s) of property in the area of the proposed map amendment.

13.2.2 - Submission requirements.

- 1) *Text amendments:* A petition for text amendments to this ~~ordinance-Ordinance~~ shall set forth the new text to be added and existing text to be deleted.
- 2) *Map amendments (rezoning):* A petition for a map amendment, which is initiated by a private party, shall include:
 - a) A legal description of the property;
 - b) A scaled map of the property, clearly showing the boundaries of the property; its current and proposed zoning district classification; and the current zoning classification of adjacent property;
 - c) A description of the proposed use of the property and the estimated impact of the proposed use on the surrounding neighborhood;
 - d) The name, address, and telephone number of the petitioner(s);
 - e) The petitioner's interest in the property, and if the petitioner is not the owner, the name, address, and telephone number of the owner(s);
 - f) Other information as required for a planned development or a conditional use; and
 - g) At the applicant's discretion, unless otherwise required by this ~~ordinance-Ordinance~~ or by the Board or Commission, a site plan, perspectives, elevations, or models that will assist in clarifying the proposed use of the property to be rezoned.

13.2.3 - Review procedure.

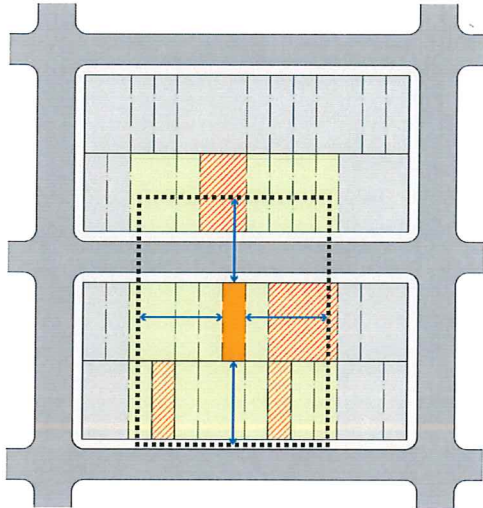
- 1) Submission by applicant:
 - a) The applicant shall submit three copies of the site plan and other information required by Section 13.2.2 to the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~ for staff review. Upon completion of staff review, the applicant shall submit the requested number of copies, incorporating any necessary changes, to the ~~zoning-Zoning enforcement-Enforcement officer-Officer~~ for distribution to the Planning and Zoning Commission and the Board of Aldermen.
 - b) The initial submittal of the application and supporting information shall be submitted not later than ~~5:00 p.m.~~ close of City Offices of the day after the regular Board of Aldermen meeting in order to be considered at the next regularly scheduled Planning and Zoning Commission meeting.
- 2) Planning and Zoning Commission review:
 - a) The application and supporting information shall be taken under consideration by the commission for its recommendation and report, which report shall be delivered in writing to the board within 90 days from the date of acceptance of the application.
 - b) The plan commission may recommend to the Board of Aldermen that the petition for amendment be approved, denied, or may recommend an alternative zoning classification (e.g., regarding rezoning petitions) or alternative Unified Development Ordinance text (e.g., regarding text amendments).

13.2.4 - Board of Aldermen action.

- 1) Upon the filing of the report by the commission, the board shall proceed to hold a public hearing in relation thereto. Notice of such hearing shall comply with the public notice requirements contained in Section 14 of this ~~ordinance~~Ordinance.
- 2) After close of said public hearing, the board may deny or approve the petition for amendment. The recommendations of the commission shall not be binding on the board. The board may refer the application back to the commission for further study before making its final decision.
- 3) The commission shall submit its report to the Board of Aldermen for actions taken. If the commission has made an adverse finding, the Board of Aldermen may only approve the action requested by the applicant by the affirmative vote of not less than six members of the entire membership of the Board of Aldermen.

13.2.5 – Protest. In case of a protest petition against any proposed amendment signed and acknowledged by the owners of thirty 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 one hundred and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the board. The 30% threshold required for a protest under this Section is determined by computing a ratio of the total area contained in the protesting lots divided by the area contained in all lots within the 185 foot radius of the subject parcel.

Amendment Protest Petition 13.2.5



Legend

- Subject Parcel
- Lots within 185 feet of Subject Parcel
- Protest Boundary
- Protesting Lots
- 185 feet

Sample Calculation

Total area* of Lots within 185 feet of Subject Parcel = 324,000 sq.ft.

Total area* of Protesting Lots = 84,000 sq.ft.

$84,000 / 324,000 = 0.259$ (25.9%)

Favorable vote of 2/3 of members of Board is not required to approve Conditional Use.

In this example, the total area* of protesting lots would need to be at least 97,200 sq.ft. to meet the 30% threshold.

*area is exclusive of streets and alleys

~~In case of a protest petition against any proposed amendment signed and acknowledged by a minimum of thirty percent (30%) of the owners of real property within 185 feet of the parcel of land for which the amendment is proposed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the board.~~ [13.3 - Fees](#)

Prior to processing any conditional use permit application, the applicant or developer shall pay any fee required in full and deposit with the City such amounts in accordance with the fees, penalties, and fines schedule of the City of Sunset Hills municipal code.

Comment [JW7]: Fees moved to Appendix A

Change of zoning:

~~≤ one (1) acre: Two hundred fifty dollars (\$250.00).~~

~~> one (1) acre: Two hundred fifty dollars (\$250.00) plus twenty five dollars an acre or fraction thereof over one (1) acre.~~

Amendment to zoning regulations:

~~≤ three (3) acres: One hundred dollars (\$100.00).~~

~~> three (3) acres: Two hundred dollars (\$200.00).~~

~~One hundred fifty dollars (\$150.00) for zoning amendment without regard to specific piece of property.~~

~~(Ord. No. 1721, § 1, 4-22-2008)~~

Section 14. – Public Notices

14.1 - Notice of public hearing ~~of Board of Aldermen or Board of Adjustment Meeting~~

14.1.1 - Newspaper notice. A notice of every public hearing to be held under this ~~ordinance-Ordinance~~ shall be given as follows:

- 1) The notice of a public hearing shall be published, at least once, in a daily newspaper of general circulation within the ~~city~~City.
- 2) Publication shall commence not less than 15 days before the hearing date.
- 3) The notice shall provide the time and place of the hearing and include the following information:
 - a) A street address of the subject property or other description of the location of such property;
 - b) The name of the applicant or appellant; and
 - c) A description of the specific action being requested by the applicant or appellant.

14.1.2 - Posting of notice. In addition to the notice requirements of ~~subsection-Subsection~~ 14.1.1 a notice shall be posted on the property in question pursuant to the following:

- 1) Posting of the notice shall commence not less than 15 days before the hearing date.
- 2) The notice shall be placed in a visible location on the property; and
- 3) The notice shall contain the same information as required under ~~subsection-Subsection~~ 14.1.1 (3) above.

14.2 - Posting of notice of Planning and Zoning Commission meetings

14.2.1 - When a proposed conditional use, planned development or rezoning is scheduled to be on the agenda for a Planning and Zoning Commission meeting, a notice of such proposal shall be posted on the property in question pursuant to the following:

- 1) Posting of the notice shall commence not less than 15 days before the meeting date.

DRAFT FOR REVIEW AND DISCUSSION PURPOSES ONLY

- 2) The notice shall be placed in a visible location on the property; and
- 3) The notice shall contain the same information as required under ~~subsection~~Subsection 14.1.1(3) above.

Section 15 – Definitions

The following words and terms wherever they occur in this Code shall be interpreted as herein defined.

15.1 - A

- | | | |
|---|---|--|
| 1 | <i>Abutting</i> | Having a common border with, or <u>with or</u> being separated from such a common border by a right-of-way or easement for a street, alley, pedestrian way, utilities, or storm drainage. |
| 2 | <i>Access management plan</i> | That portion of a development or redevelopment plan that delineates measures to be implemented to minimize adverse traffic effects on city roadways. The plan shall be prepared by a traffic engineer, and, if not a Missouri-licensed professional engineer, be countersigned by a Missouri-licensed professional engineer. |
| 3 | <i>Accessory building or use</i> | A building, structure or use, which meets all the following criteria, 1) Is subordinate to and serves a principal building or a principal use; 2) Is subordinate in height and area relative to the principal building or principal use served; 3) It contributes to the comfort, convenience or necessity of occupants, business, industry, or institution in the principal building or principal use served; and 4) It is located on the same lot as the principal building or use served. |
| 4 | <i>Accessory equipment</i> | 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. |
| 5 | <i>Accessory use, building, or structure, permanent</i> | Uses, buildings, or structures that are subordinate to and clearly and customarily incidental to the principal building or principal use. Such use, building, or structure shall have a permanent foundation and shall comply with the St. Louis County Building Code as adopted by the City. |
| 6 | <i>Accessory use, building, or structure, temporary</i> | Uses, buildings, or structures that are subordinate to and clearly and customarily incidental to the principal building or principal use. Such a use shall be limited to temporary portable outdoor storage units as defined herein. |
| 7 | <i>Acute care center</i> | A facility for the provision of secondary health care where a patient receives active but short term treatment for a server injury or episode of illness, an urgent medical condition, or during recovery from surgery. |
| 8 | <i>AGL</i> | Above ground level. Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty (50) feet from the center location of measurement. |
| 9 | <i>Alley</i> | A secondary means of ingress or egress serving more than one (1) tract of land and used primarily for vehicular service, and which may be used for public utility purposes. |

- 10 *Alteration* As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration.
- 11 *Amusement center, indoor* Any facility in which there are located more than three (3) coin-operated video game machines.
- 12 *Amusement center, outdoor* A business establishment whose principal business is providing entertainment to customers in an outdoor setting. Such uses include miniature golf, batting practice cages, and similar outdoor amusement facilities, but not including go-cart or other motorized vehicle tracks.
- 13 *Amphitheater* (See, *Outdoor theater*)
- 14 *Animal hospital* A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.
- 15 *Animated sign* Any sign or part of a sign that changes physical or visual position by any movement or rotation.
- 16 *Antenna* Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services. The term shall exclude satellite earth station antennae less than two (2) meters in diameter (mounted within twelve (12) feet of the ground or building-mounted) and any receive-only home television antennae.
- 17 *Applicant* Any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.
- 18 *Application* A request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure.
- 19 *Approved* Approved by the zoning enforcement officer or other authority having jurisdiction.
- 20 *Attached garage* An attached garage has a wall, roof or other structural member in common with, or in contact with, the primary building; and is constructed with materials consistent with those used to construct the primary structure; and all garages other than "detached garage."
- 21 *Attention getting device* Any streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, fringe, or similar device or ornamentation used primarily for the purpose of attracting attention and is visible by the general public from any public right-of-way or public area.
- 22 *As-of-right* A term used to describe a proposed development that complies with all applicable zoning code.

- 23 *Assisted living facility* A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
- 24 *Auction sales* Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.
- 25 *Automatic Teller* A mechanized consumer banking device operated by a financial institution for the convenience of its customers.
- 26 *Automobile repair, major* (see *Vehicle repair facility*)
- 27 *Automobile repair, minor* (see *Vehicle repair facility*)
- 28 *Automobile service station* (see *Gasoline station*)

15.2 - B

- 1 *Bakery* An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.
- 2 *Bandshell* (See, *Outdoor theater*)
- 3 *Bank or other financial institution* An institution that trades in money; an establishment for the deposit, custody and issuance of money, and also for making loans and discounts, and facilitating the transmission of remittances from one place to another. Credit unions and savings and loans shall also be considered a bank or other financial institution, but check cashing establishments, pawnshops, short-term loan establishments and title lenders shall not.
- 4 *Banner sign* Any sign made of cloth, fabric, paper, non-rigid plastic, or similar types of material. National flags, State flags, City flags and symbolic flags of an institution shall not be considered banners for the purpose of this title.
- 5 *Banquet hall* A facility or hall available for lease by private parties.
- 6 ~~*Bench mark*~~*Benchmark* A definite point of known elevation and location and of more or less permanent character. The identity and elevation shall be based on United States Geological Survey (U.S.G.S.) Datum. ~~Bench marks~~*Benchmarks* established from 1981 Metropolitan St. Louis Sewer District (M.S.D.) Benchmark Loop System and Missouri Highway and Transportation Department (M.H.T.D.) Bench marks or temporary bench marks established thereon are acceptable.
- 7 *Billboard sign* See *Off-premises sign*
- 8 *Block* An area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, rural land, drainage channels, or other similar areas or facilities.
- 9 *Board* Board of Aldermen of the City of Sunset Hills.

- 10 *Boarding Home* A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided.
- 11 *Box sign* A sign that is self enclosed in a typically square or rectangular structure with or without internal illumination.
- 12 *Brewery* An industrial use that brews ales, beers, meads, and/or similar beverages on site.
- 13 *Brewpub* A commercial business which conducts the retail sale of beer (malt beverages with alcohol content as defined by federal law) which is brewed on the premises in compliance with applicable state and federal laws.
- 14 *Buffer area* (see also *Screening*) An area of land established to protect one type of land use from another incompatible, or potentially incompatible, land use. The area is landscaped or left in a natural state and kept in open space use, subject to the specific requirements of this ordinance.
- 15 *Building* Any structure having a roof, supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion by masonry or a fire wall without any openings, which wall extends from the ground through the roof, then such portion shall be deemed to be a separate building.
- 16 *Building coverage* That portion of a lot covered by a building, excluding roof eaves (e.g., building 'footprint').
- 17 *Building height* The vertical distance measured from the average elevation of the finished grade along the front of the building to the average height of the highest roof. The average height of a roof is the mid-height between the roof eave and the roof ridge/crest, regardless of the shape of the roof. In the case of a building with multiple roof levels, the highest of the various roof levels shall be used to determine the building height. On buildings with parapet walls, the building height is defined as the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the parapet. On A-frame buildings, the building height is defined as the vertical distance measured from the average elevation of the finished grade along the front of the building to the roof ridge.
- 18 *Building line* (see *Building setback*)
- 19 *Building line (setback)* A line or lines on a plat designating the area outside of which buildings may not be erected, except landings, open balconies, and roof overhangs, as permitted in the zoning ordinance.
- 20 *Building permit* A permit required to be issued by the city prior to construction, alteration, repair, or demolition of any building, structure, or parking lot with more five or more parking stalls. ~~commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.~~

- 21 *Building setback* The required minimum horizontal distance between the closest point of an exterior wall of a building or any projection thereon and the applicable property line or right-of-way line, in which no structure can be placed or erected, unless otherwise provided for in this ordinance. (see Section 5 for exceptions to setback requirements)
- 22 *Building, principal* The structure in which the principal use of the lot is located.
- 23 *Bus garage / lot* (See, *Bus station*)
- 24 *Bus shelter and parking area* Any lot building, or structure used for the storage or layover of passenger buses and motor coaches.
- 25 *Bus station* Any premises for the transient housing or parking of motor driven buses and the loading and unloading of passengers.

15.3 - C

- 1 *Candy and ice cream stores* Establishments whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, or ice cream). The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. Food and beverages are for customer consumption within the restaurant or restaurant patio area.
- 2 *Car wash* A structure or portion thereof, containing facilities for washing motor vehicles, such as a chain conveyor, blower, pressurized cleaning device or other mechanical device, including self-service cleaning facilities.
- 3 *Carry out restaurant* (See, *Delivery only restaurant*)
- 4 *Cemetery* A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.
- 5 *Chairman* The chairman of the planning and zoning commission or Board of Adjustment.
- 6 *Changeable copy* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign.
- 7 *Child day care center, nursery school, or day care nursery* (see *Day care center*)
- 8 *City engineer* The city engineer of Sunset Hills or his-their duly authorized delegate.
- 9 *Clothing and costume rental* A place of business devoted in whole or in part to the rental of clothing and costumes.
- 10 *Coffee shop* An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
- 11 *College* An institution other than a vocational or trade school that provides full-time or part-time education beyond high school.

12	<i>Collocation</i>	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.
13	<i>Commercial laundry</i>	A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.
14	<i>Commercial use</i>	An enterprise that is carried on for a profit by the owner, lessee, or licensee, and for which fifty (50) percent or more of the building and/or lot is devoted to non-office use, but not including home occupations that comply with the provisions of this ordinance.
15	<i>Commission</i>	The Planning and Zoning Commission of the City of Sunset Hills.
16	<i>Common land</i>	That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer in fee simple absolute title by a warranty deed to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.
17	<i>Common land or open space</i>	(see <i>Open space, common</i>)
18	<i>Conditional use</i>	(see Section 9.1)
19	<i>Connectivity Index</i>	The ratio of the number of links to the number of nodes in a street network. A higher connectivity index reflects a greater number of links entering each node and thus a higher level of connectivity for the street network.
20	<i>Consignment shop</i>	(See, <i>Secondhand store</i>)
21	<i>Contractors office</i>	A room or group of rooms used for conducting business affairs that does not use any exterior storage area.
22	<i>Contractor supply house</i>	An industrial distributor that provides a range of products and value added services to professional customers in maintenance, repair and operations, construction, home rehabilitation, and similar industries.
23	<i>Convenience store</i>	A retail establishment, not exceeding three thousand five hundred (3,500) square feet in gross floor area, offering for sale prepackaged food products, household items, and other convenience goods.
24	<i>Convent</i>	A building or group of buildings designed to provide group housing for persons under religious vows or orders.
25	<i>Corner lot</i>	(see <i>Lot, corner</i>)
26	<i>Crematorium</i>	A location containing properly installed, certified apparatus intended for use in the act of cremation.

- 27 *Cross access easement* Reciprocal easements created by contract, the one being granted in favor of premises of one party in consideration of a grant by such party in favor of premises of the other party.
- 28 *Cultural institution* A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

15.4 - D

- 1 *Day care center* A facility providing for the care of five (5) or more persons away from their own homes for part of the twenty-four (24) hour day. The terms "nursery school" or a "day care nursery" shall be considered synonymous with day care center.
- 2 *Delicatessen* An establishment where fine, unusual, or foreign prepared foods are sold for consumption off-premises and no counters or tables for on-premises consumption of food are provided, but excludes grocery stores.
- 3 *Delivery only restaurant* Establishment in which food is prepared for consumption off the premises only.
- 4 *Density* (see also *Net acreage*) The ratio of the number of dwelling units to the net acreage of parcel of land on which the dwelling units are located.
- 5 *Detached garage* A detached garage is entirely surrounded by open space and does not have a wall, roof or other structural member in common with or in contact with the primary building. A covered walkway or shade covering may connect a detached garage to the primary structure.
- 6 *Detached single-family dwelling* (see *Dwelling, detached single-family*)
- 7 *Detention* The temporary storage of the differential runoff of stormwater by providing permanent facilities, such as dry reservoirs, ponds, or other acceptable alternatives.
- 8 *Developer* That person, firm, or corporation by whom a tract will be subdivided and improved pursuant to the requirements of this ordinance.
- 9 *Development* All structures and other modifications of the natural landscape, above and below ground, on a particular site, including but not limited to grading, removal of trees, paving, installation of utilities, or the erection of structures.

- 10 *Development, planned* Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development containing multiple lots and common areas includes provisions for the operation and maintenance of common areas, facilities, and improvements that are for use by the occupants of such planned development, but which will not be provided, operated, or maintained at public expense. A planned development may include development of a single parcel of land without common areas as previously described.
- 11 *Dimensional non-conformity* A non-conforming situation that involves any of the following, 1) The height of a structure, or the relationship between an existing building or buildings and other buildings or lot lines, which does not conform to the applicable dimensional regulations (e.g., setbacks) contained in this ordinance; 2) A lot of record that does not meet the minimum area or dimensional requirements of the district in which the lot is located; 3) Development of property, including buildings and other improvements thereon, which do not comply with regulations governing intensity of use, such as density (e.g., dwelling units per acre), and maximum building or site coverage; 4) Provision of off-street parking or loading spaces which does not meet the minimum requirements, or exceptions thereto, as specified in Section 6 of this ordinance; or 5) Any other situation where improvements to land do not comply with any quantitative or dimensional standard applicable to such improvement. Where such a dimensional non-conformity relates to a building or structure, the term "non-conforming structure" shall be considered synonymous with the term dimensional non-conformity.
- 12 *Directional sign* (1) Any sign erected or permitted by the State, County, or Village to denote the name of any thoroughfare, the route to any city, town, Village, educational institution, public building, historic place, or recreational facility to direct and regulate traffic, to denote any railroad crossing, bridge, or other transportation or transmission company for the direction or safety of the public. (2) A sign which has only information on exit, entrance or parking and contains no form of advertising copy or the name of any advertiser.
- 13 *Director* The director of public works of the city or his/her designee.
- 14 *Discontinuance* The non-use of the non-conforming use for six (6) consecutive months.

- 15 *Disguised support structure* Any freestanding, manmade structure designed for the support of wireless facilities, the presence of which is camouflaged or concealed as an appropriately-placed architectural or natural feature. Such structures may include but are not limited to clock towers, free standing bell towers, observation towers, water towers, light standards, flag poles and artificial trees.
- 16 *Distillery* An industrial use that distills spirits and other alcoholic beverages on site.
- 17 *District* (see *Zoning district*)
- 18 *Distribution center* A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.
- 19 *Drive-in* (See, *Drive-through facility*)
- 20 *Drive-through facility* Any portion of a principal building, separate accessory structure, and/or an area of a lot, from which business is transacted, or is capable of being transacted, directly with customers while they remain in their motor vehicle. The terms "drive-up" and "drive-in" or similar terminology shall be considered synonymous with drive-through.
- 21 *Drive through restaurant* Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.
- 22 *Dry cleaning processing done elsewhere* An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.
- 23 *Dry cleaning processing on premises* An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry with the maintenance or operation of laundry or dry-cleaning equipment or machinery on the premises.
- 24 *Dwelling unit* One (1) or more rooms arranged or used as living quarters for one (1) family complete with individual kitchen facilities and toilet facilities.
- 25 *Dwelling units located above ground floor as a part of mixed use* (See, *Multifamily dwelling*)
- 26 **15.5 - E**
- 27 *Easement* A grant by a property owner to the public, a corporation, or a person of the use of land for a specific purpose.
- 28 *Easement, private roadway* A designated vehicular access way for the servicing of individual lots within a large lot subdivision.
- 29 *Easement, road improvement, maintenance, and, utility* A grant by a property owner to the city, county, state, or federal government for the purpose of road improvement and widening, road maintenance, sidewalks, public or private utilities and sewers.
- 30 *Easement, road maintenance and improvement* A grant by a property owner to the city for the purpose of road maintenance, improvement, and widening.
- 31 *Easement, shared parking* A grant by a property owner to an adjacent property owner for the purpose of parking.

- 32 *Easement, stormwater control* A grant by a property owner to the city or MSD for the purpose of stormwater control.
- 33 *Easement, stormwater control access* A grant by a property owner to the city or MSD providing access to stormwater control facilities for maintenance purposes.
- 34 *Easement, utility* A grant by a property owner to a public or private utility company for the purpose of installation, improvement, and maintenance of public or private utilities.
- 35 *Electric distribution /substation* A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.
- 36 *Electronic message sign* A series of individual light bulbs, when programmed and lit, form letters, words, phrases, numbers or pictures that compose an advertising, announcement, or other type of message. The message itself can be changed from a remote terminal without otherwise altering or changing the face of the sign.
- 37 *Emergency service* The use of any equipment, machinery, vehicle, or other activity in a short term effort to protect or restore safe conditions in the City, or work by private or public utilities when restoring utility service.
- 38 *Energy generating station* Industrial facility for the generation of electric power.
- 39 *Engineer* A professional engineer registered in the State of Missouri.
- 40 *Engineer* Wherever used in this ordinance, the word "engineer" shall mean a professional engineer registered and licensed to practice in Missouri.
- 41 *Equipment compound* An area surrounding or near a wireless support structure within which are located wireless facilities.
- 42 *Escrow agent* A title company, bank, savings and loan association, trust company, attorney, or any other person or agency approved by the city to act as escrow agent.
- 43 *Existing structure* A structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.
- 44 *Extended stay lodge, hotel or corporate apartment* A building or group of buildings containing rooms that are used or designed to be rented or let out for compensation to anyone looking to stay for an undefined period of time with the amenities of home. Extended stay facilities provide kitchenettes to full kitchens and are typically fully furnished, including the provision of eating utensils.
- 45 *Equipment sales and repair* An establishment for the sale or repair of farm equipment.
- 15.6 - F**
- 1 *F.E.M.A.* Federal Emergency Management Agency.
- 2 *FAA* The Federal Aviation Administration.

- 3 *Family* An individual or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons who need not be related to each other living together as a single non-profit housekeeping utilizing only one (1) kitchen, but not including sororities, fraternities, or other groups living together.

- 4 *Family care home* A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment.

- 5 *Farm* An area which is used for the growing of the usual farm products such as vegetables, fruit, trees and grain, and their packing or storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for packing, treating or storing produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals.

- 6 *Fast food restaurant* (see *Restaurant, fast food*)
- 7 *FCC* The Federal Communications Commission.
- 8 *Flashing sign* Any sign that uses any type of flashing, intermittent, running or other type of light creating the illusion of movement.
- 9 *Flood plain* That area within the corporate limits of Sunset Hills subject to a one (1) percent, or greater, chance of flooding in any given year. This area is designated on the F.E.M.A. Flood Boundary and Floodway maps for the City of Sunset Hills.

- 10 *Floor area* The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and attached garages, but excluding exterior balconies. All horizontal dimensions are to be measured to the exterior faces of walls.
- 11 *Floor area ratio (FAR)* A mathematical expression determined by dividing the total floor area of a building by the area of the lot in which it is located, as Floor area \div lot area = floor area ratio
- 12 *Front yard* (see *Yard, front*)
- 13 *Frontage* That edge of a lot bordering a street.
- 14 *Funeral home* A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

15.7 - G

- 1 *Garage* Any fully enclosed accessory building housing not to exceed four (4) motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

- 2 *Garage, private* Any fully enclosed accessory building housing not to exceed four (4) motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.
- 3 *Garage, public* Any fully enclosed building or premises, except those described as a private garage, used for the repair, storage or care of self-propelled vehicles.
- 4 *Garden supply / seed store* A place of business where retail and wholesale products related to domestic gardening are sold to the consumer. These centers import most of the items sold, and may include seeds, seedlings, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and domestic gardening variety tools and utensils.
- 5 *Gas regulator station* An assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. This may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.
- 6 *Gasoline service/sales* A building and premises where the primary use is the retail sale and dispensing of gasoline, diesel fuel, lubricants, coolant, compressed air, and other vehicle fluids, but not including vehicle repair or service facilities, or sale of motor vehicles.
- 7 *Grade* The rate of ascent or descent of land. That point or datum plane from which reference to an elevation is measured. In the case of a building or structure this point shall be established at the center line of the structure or building perpendicular to the line of maximum slope.
- 8 *Grade, finished* The average of finished ground level along the front of the building.
- 9 *Greenhouse* A glass house devoted to the protection or cultivation of tender plants.
- 10 *Greenhouse* A building constructed with translucent roofing material devoted to the protection or cultivation of tender plants.
- 11 *Grocery store* Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.
- 12 *Ground coverage* (see *Building coverage and Site coverage*)
- 13 *Group home for handicapped (disabled) persons* A dwelling unit where eight (8) or fewer unrelated mentally or physically handicapped persons reside, plus not more than two (2) additional persons serving as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the dwelling. A group home for handicapped persons does not include residential or outpatient facility for treatment of alcohol or drug abuse or both.
- 14 *Gross Floor Area* (see *Floor Area*)
- 15 *Gun shop* An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

15.8 - H

- 1 *Habitable space:*
(see also
Occupiable space) Space in a building for living, sleeping, eating or cooking.
- 2 *Hatchery* A where the hatching fish or poultry eggs is artificially controlled for commercial purposes.
- 3 *Health facility, indoor* Commercial recreation facilities, operated as a business enterprise, offering sport and fitness activities such as tennis, racquetball, swimming, and physical exercise. Such facilities are typically more comprehensive in scope than "common" recreation facilities, defined in this Article, and may include accessory uses such as locker rooms, pro-shops, snack bars, exercise rooms and equipment, massage therapy, and similar facilities and services. They are commonly established as "health clubs," with membership coming from a larger trade area as opposed to a single subdivision or apartment/condominium complex.
- 4 *Height* The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.
- 5 *Home occupation* An occupation, profession, or other business activity (for profit or not-for-profit) that is clearly incidental to and a secondary use of a dwelling unit, and which does not alter the exterior of the dwelling unit.
- 6 *Hospital* Any premises, other than a nursing home, convalescent home or substance abuse treatment center, devoted primarily to the diagnosis, treatment and overnight nursing or medical care of individuals.
- 7 *Hotel* A building or group of buildings containing rooms that are accessed through a lobby or other common indoor space and used or designed to be rented or let out for compensation to tourist or other transients.
- 8 *Hotel, extended stay* (see *Extended stay lodge, hotel or corporate apartments*)

15.9 - I

- 1 *Illegal sign* Any sign that was erected in violation of this title or any previous sign ordinance.
- 2 *Illuminated sign* Any sign which has characters, letters, figures, or outlines illuminated by electric lights, luminous tubes or any other means of internal or external illumination.
- 3 *Illumination, external* Illumination by a light source not contained within the sign structure and directed at the sign face.
- 4 *Illumination, internal* Illumination by a light source contained within the sign structure.
- 5 *Impervious surface coverage* The percentage of the area of a lot covered by any hard-surface that does not readily absorb or ~~retain~~ retain water including but not limited to parking and driveway areas, swimming ~~pools, walkways~~ pools, walkways, and accessory uses or structures.

- 6 *Improvements* Street pavement, turning lanes, traffic signals, bridges and culverts, sidewalk pavement, pedestrian-way pavement, water mains, fire hydrants, storm sewers and roadside drainage ditches, erosion, siltation control, sanitary sewers, signs, monuments, landscaping, street lights, and other similar items.
- 7 *Individually affixed letters* A sign comprising of individual letters that are independently mounted to a wall or surface. The 'air space' between the letters is not part of the sign structure but rather of the building façade.
- 8 *Indoor amusement center* (see *Amusement center, indoor*)
- 9 *Institutional use* A nonprofit or quasi-public use or institution such as a place of worship, library, public or private school, hospital, or a building, structure or land owned or operated by a governmental agency and used for a public purpose.

15.10 - J

RESERVE

15.11 - K

- 1 *Kennel* Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

15.12 - L

- 1 *Laboratory* A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 2 *Land surveyor* A land surveyor registered in the State of Missouri.
- 3 *Laundrette* A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.
- 4 *Library* A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.
- 5 *Light manufacturing* The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.
- 6 *Link* Term meaning street segment, used in the measurement of a street network's connectivity index.
- 7 *Liquor store* Establishments engaged in the sale of alcoholic beverages for off-premises consumption.
- 8 *Lot* A platted parcel of land intended to be separately owned, developed, or otherwise used as a unit.
- 9 *Lot* (see also *Lot of record*) A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.
- 10 *Lot area* The total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.
- 11 *Lot area* The total area, usually measured in terms of square feet, circumscribed by the boundaries of a lot, excluding easements for access or road purposes.

- 12 *Lot coverage* A measure of intensity of land use that represents the portion of a site including primary use coverage and impervious surface coverage.
- 13 *Lot line* (see also *Property line*) A line dividing one lot from another, or from a public or private street right-of-way or any other public right-of-way.
- 14 *Lot line, front* (see also *Yard, front*) On an interior lot, the lot line abutting a street right-of-way; or, on a corner lot, each lot line abutting a street right-of-way; or, on a through lot, the lot line abutting the street right-of-way providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street right-of-way providing access.
- 15 *Lot line, rear* (see also *Yard, rear*) The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.
- 16 *Lot line, side* (see also *Yard, side*) Any lot line not a front or rear lot line.
- 17 *Lot of record* A lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally established and recorded in the Office of the Recorder of Deeds of St. Louis County.
- 18 *Lot split* Any minor subdivision wherein the division or redivision of land meets the criteria set forth in Section 7.3.
- 19 *Lot width* The horizontal distance between side lot lines, measured along the required front building setback line.
- 20 *Lot, corner* A lot abutting on and at the intersection of two or more streets. For establishing building setbacks, a corner lot is considered to have two (2) or more front yards.
- 21 *Lot, depth of* The mean horizontal distance between the front and rear lot lines.
- 22 *Lot, double frontage* A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.
- 23 *Lot, flag* A lot with access provided to the bulk of the lot by a narrow corridor of property.
- 24 *Lot, interior* A lot that abuts other lots on all sides (and rear), except for the lot line dividing the lot from a single abutting street.
- 25 *Lot, through* A lot having its front and rear yards each abutting on a street (also known as "double frontage" lot).
- 26 *Lumber yard* An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.
- 15.13 - M**
- 1 *M.H.T.D.* State of Missouri Highway and Transportation Department.
- 2 *Mail, copying, parcel, and printing services* A commercial business which conducts the retail sale of stationery products, provides packaging and mail services, and provides mailboxes for lease.
- 3 *Mausoleum* (See, *Cemetery*)

- 4 *Marina* Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of the same. Such establishments may also provide travelift services, slip rental, gasoline, sanitary pumpout service and food, and drink.
- 5 *Marquee sign* Any permanent roofed structure projecting over public property or right-of-way, attached to and supported by a building.
- 6 *Marijuana or marihuana* Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one (1) percent on a dry weight basis, or commodities or products manufactured from industrial hemp.
- Medical Marijuana Cultivation* Facilities that are licensed by the State 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.
- 7 *Marijuana-infused products* Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.
- 8 *Medical marijuana cultivation facility* 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.
- 79 *Medical Marijuana Dispensary dispensary facility* A facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.
- Facilities which are licensed by the State to acquire, store, sell, transport and deliver marijuana, marijuana-infused products and drug paraphernalia to administer marijuana as provided for in the section as a "qualifying patient", a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

- ~~8~~ *Medical Marijuana Post-Extraction Retail Establishment* Establishments including bakeries, confectionaries, and producers of ointments, etc. determined by the Director of Public Works or his/her designee to be a retail establishment that provides goods directly to the consumer or where an order may be placed by the consumer for such goods and where such goods are available for immediate purchase and removal from the premises by the purchaser.
- ~~9~~ *Medical Marijuana Post-Extraction Wholesale Establishment* Establishments including bakeries, confectionaries, and producers of ointments, etc. determined by the Director of Public Works or his/her designee to be a wholesale establishment that is primarily engaged in selling goods to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- ~~10~~ *Medical Marijuana Testing Facility* Facilities which are certified by the State to acquire, test, certify and transport marijuana.
- ~~11~~ *Medical Marijuana-Infused/Manufacturing Facilities* 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.
Facilities which are licensed by the State 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. Marijuana-infused products are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking. This is including, but not limited to: edible products, ointments, tinctures and concentrates. This includes both the extraction process and production of edibles, ointments, etc.
- ~~10~~ *Medical marijuana testing facility* A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport marijuana.
- 12 *Medical Use* The production, possession, delivery, distribution, transportation, or administration of medical marijuana or marijuana-infused product or drug paraphernalia used to administer marijuana or marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.
- 13 *Metes and bounds* The method used to describe a tract of urban land intended to be used for dwelling or other purposes so that it can be recorded in a St. Louis County recorder's office, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot and block number.
- 14 *Mining and mineral extraction* The development or extraction of a mineral from its natural occurrences on affected land.
- 15 *Mobile home* A self-contained structure designed or intended to be used for dwelling purposes which has been, or reasonably may be equipped with wheels or other devices for transporting such structure, in whole or in its several parts.

- 16 *Monastery* (See, *Convent*)
- 17 *Monument* A permanent marker to be made of materials and placed by a land surveyor at locations specified in section 2.2 (g) of this chapter.
- 18 *Monument sign* A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other free standing signs types not meeting the definition of a monument sign shall either be a pole sign or a pylon sign.
- 19 *Motel* (see *Hotel*)
- 20 *Motor vehicle oriented business (MVOB)* Any commercial business which, by design, type of operation, and nature of business, has as one (1) of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span for each, or the provision of services to the occupants of the motor vehicle while they remain in the vehicle. The list of businesses that constitute motor vehicle oriented businesses include convenience stores, gasoline service stations, drive-in banks, and restaurants with drive-through facilities, drive-through beverage sales, car wash operations, and similar business operations. New car dealerships and auto tire and battery stores are not typically considered as motor vehicle oriented businesses.
- 21 *MSD* The Metropolitan St. Louis Sewer District.
- 22 *Multifamily dwelling* A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, row houses, and condominiums.
- 23 *Multi-tenant shopping center* A group of **five-two** or more retail and other commercial establishments which function as a unit; are planned, owned, and managed as a single property; **and which have a minimum of 300 lineal feet of frontage.**
- 24 *Municipal building* A building or group of buildings owned by the City of Sunset Hills and used for municipal services.
- 25 *Museum* (See, *Cultural Institution*)
- 15.14 - N**
- 1 *Net acreage* The gross acreage of a parcel of land less all land dedicated (or to be dedicated) to street rights-of-way or easements for access or road purposes. In the case of private streets, the equivalent of public rights-of-way for these private streets shall be deducted from the gross acreage, except as otherwise provided in this ordinance. In the event that there is a question regarding the width and length of such equivalent rights-of-way, the zoning enforcement officer shall render a determination.
- 2 *Node* Term meaning street intersection, used in the measurement of a street network's connectivity index.
- 3 *Non-conforming situation* A non-conforming situation is one which lawfully existed prior to the effective date of this ordinance or any amendment thereto, and which fails to conform to one (1) or more of the applicable regulations of this ordinance or such amendment thereto.

- 4 *Nonconforming use* Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto, which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.
- 5 *Nonhazardous inside storage* The storage, collection or display of any nonhazardous products, materials, equipment, appliances, vehicles not in service, or personal property of any kind on an enclosed, covered area.
- 6 *Nonhazardous outside storage* The storage, collection or display of any nonhazardous products, materials, equipment, appliances, vehicles not in service, or personal property of any kind on an unenclosed, uncovered area.
- 7 *Nursery* A place where trees, shrubs, vines and flowers are propagated for transplanting.
- 8 *Nursing home* A home for the aged or infirm in which three or more persons not of the immediate family are received, kept, or provided with food and shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

15.15 - O

- 1 *Occupiable space* A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor; and which is equipped with means of egress and light and ventilation facilities meeting the City of Sunset Hills building code.
- 2 *Off premises sign* A sign that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located.
- 3 *Office* A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical services.
- 4 *Office, medical or dental* A facility for the practice of medicine or dentistry for humans, including accessory diagnostic facilities/equipment, but not including in-patient (overnight) care or substance abuse treatment centers.
- 5 *Open sales lot* The outdoor storage of goods, materials, and other equipment for sale.
- 6 *Open space* An area that provides light and air; is designed for buffering one land use from another; or for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

7 *Open space, common* That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer in fee simple absolute title by a warranty deed to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

8 *Other general office* (See, *Professional office*)

~~9~~ *Outdoor storage* The keeping of any material which is not for sale outside of a fully enclosed building for a period which exceeds forty-eight hours.

~~9~~ *Outdoor theater* An establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

~~10~~

~~10~~ *Outline lighting* An arrangement of incandescent lamps or electric-discharge lighting to outline or call attention to certain features, such as the shape of a building or the decoration of a window.

~~11~~

~~11~~ *Outside dining* An area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant.

~~12~~

15.16 - P

1 *Park* A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

2 *Parking lot* Any place where motorized vehicles are parked, stored or otherwise placed.

3 *Parking space, automobile* A durable, dustproof, surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile, and if the space is unenclosed, a durable dustproof surfaced area comprising an area of not less than three hundred (300) square feet including the necessary driveway and space between automobiles on the parking lots. The driveways connecting a parking space with street or alley shall provide satisfactory ingress and egress of automobiles, and shall be paved with an asphaltic penetration surface, asphaltic concrete, or portland cement concrete, and shall have appropriate bumper guards where deemed necessary by the commission.

4 *Parking space, off street* An area on a lot and/or within a parking structure intended for the use of temporary parking of a motor vehicle. To be considered a parking space, each parking space must have direct access to a motor vehicle circulation aisle or street. Tandem or stacked parking stalls in single-family developments shall be considered to have a means of access to a street so long as no vehicle is parked partially or fully within a street right-of-way.

5 *Parking stall* (see *Parking space, off-street*)

- 6 *Parking structure* A building for the storage or parking of four (4) or more vehicles, limited exclusively to passenger vehicles that will accommodate not more than nine (9) passengers.
- 7 *Parking, off-street* An area off-street and not within a building, where motor vehicles may be stored for temporary, daily or overnight parking.
- 8 *Pawn shop* Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.
- 9 *Pay-day loan* An establishment providing loans to individuals in exchange for personal checks as collateral.
- 10 *Performance standards, zoning* A set of criteria established to control noise, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or inherent in the use of land or buildings.
- 11 *Permanent storage structure* All others than those defined as "temporary storage structure."
- 12 *Person* A corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word "person" is used in any section of this ordinance prescribing a penalty or fine as to partnership or association, the word shall include the partners or members thereof, and, as to corporation, it shall include the officer, agents or members thereof who are responsible for any violation of such section.
- 13 *Personal care services* A business which provides services but not goods such as hairdressers, shoe repair, and nail salons but excluding tattoo parlors.
- 14 *Pet daycare* (See, *Kenel*)
- 15 *Pet grooming* A business which provides hygenic care and cleaning services to domesticated animals such as dogs.
- 16 *Pet shop* A retail sales establishment primarily involved in the sale of goods and services for domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals.
- 17 *Pharmacy* A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.
- 18 *Place of worship* A use located in a permanent building and providing regular organized religious worship and related incidental activities, except schools, preschools, and day care facilities.
- 19 *Place or road* An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
- 20 *Planned retirement care center* A functionally integrated residential and nursing care complex progressing from independent living dwelling units to skilled nursing facilities and where at least one (1) resident of each dwelling unit is fifty-five (55) or older. Residents are provided with central dining facilities and may be provided other services such as laundry services, transportation for social activities and medical appointments, room cleaning, and recreational activities.

- 21 *Plat* A map, drawing or chart on which the developer's plan of the subdivision is presented and which he submits for approval and intends in final form to record.
- 22 *Plumbing, heating, and air conditioning* Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- 23 *Pole sign* A freestanding sign that is detached from a building and is supported by one or more structural elements that are either (a) dissimilar to the design of the sign, or (b) less than one quarter the width of the sign face.
- 24 *Porch* A roofed open area, which may be glazed or screened, usually attached to or a part of a building.
- 25 *Portable sign* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported
- 26 *Post office* A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
- 27 *Preschool* A facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.
- 28 *Principal building* (see *Building, principal*)
- 29 *Primary Use Coverage* The ratio of the horizontal area measured from the exterior walls of the ground floor of the principal use on a lot to the total lot area.
- 30 *Private club* A building and area used for social purposes only, including the serving of food and refreshments, whose normal use is limited to members of the club and their guests, and which club does not provide a service customarily carried on as a business.
- 31 *Professional office* A room or group of rooms used for conducting the affairs of a professional business excluding service oriented businesses.
- 32 *Projecting sign* A small, pedestrian oriented sign that projects perpendicular from a structure.
- 33 *Property line* A line that divides one (1) lot, parcel, or tract of land from another and as distinguished from a right-of-way line associated with a public or private street.
- 34 *Public safety facility* A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.
- 35 *Pylon sign* See *Pole sign*.
- 15.17 - Q**
- 1 *Qualifying Patient* A Missouri resident diagnosed with at least one qualifying medical condition. All medical marijuana sold in Missouri must be cultivated and manufactured in Missouri.
- 15.18 - R**
- 1 *Radio, cellular and television towers* A mast, pole, monopole, guyed, or freestanding framework, or other vertical elements that act as an antenna or to that an antenna is affixed or attached.
- 2 *Rear yard* (see *Yard, rear*)

- 3 *Recreation facilities, common* Private, non-commercial recreation facilities established for use by residents, and their guests, of a subdivision, condominium, or apartment complex. Examples of such facilities include clubhouses, swimming pools, exercise rooms, tennis or other racquet sport courts.

- 4 *Recreation facilities, indoor* An establishment that provides indoor recreation or entertainment oriented activities, such as bowling alleys, roller or ice rinks, trampoline facilities, indoor driving ranges, etc.

- 5 *Rehabilitation and nursing care center* A functionally integrated rehabilitation and nursing care center progressing from rehabilitation to skilled nursing and hospice care.

- 6 *Replacement* Includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.

- 7 *Residential or outpatient facilities for the treatment of alcohol or other drug abuse* (see *Substance abuse treatment center*)

- 8 *Restaurant* A business establishment whose principal business is the selling of prepared food to customers in a ready-to-consume state, on non-disposable dinnerware, and where the customers consume this food while seated at tables or counters located within the building or at supplemental outdoor dining areas. In order for such an establishment to be considered a restaurant and not a bar or tavern, not less than fifty (50) percent of its gross sales shall be for serving food and non-alcoholic beverages.

- 9 *Restaurant, fast food* A business establishment whose principal business is the sale of food in ready-to-consume individual servings, for consumption either within the restaurant building or carry-out, and where either, 1) Food, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers and where customers are not normally served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) The establishment includes a drive-through service facility or offers curbside service.

- 10 *Retail sales, general* Establishments selling commodities not otherwise detailed in Section 3.4 of the UDO, directly to the consumer.

- 11 *Retail sales, outdoor* The placement of goods, equipment, or materials for sale, rental, or lease in a location not enclosed by a structure consisting of walls and a roof.

- 12 *Right-of-way* A strip of land reserved or required by dedication, prescription, condemnation, gift, purchase, eminent domain or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

- 13 *Roof sign* A sign erected, constructed, painted, or placed upon or over a roof or parapet wall of a building and which is wholly or partly supported by the building or roof structure.
- 14 *Roominghouse* (See, *Boarding home*)
- 15 *Row crops* The use of land for growing field crops such as barley, soy beans, and more.

15.19 - S

- 1 *School (elementary, middle, high)* A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Missouri.
- 2 *Screening* (see also *Buffer area*) The method by which a view of one lot (or building thereon) is shielded, concealed, or is visually minimized from an adjacent property or street. Screening techniques include landscaping, fences, walls, berms, or architectural features (e.g., screening of building mechanical equipment).
- 3 *Secondhand store* Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.
- 4 *Self-service storage facility* (See, *Warehouse, self-service storage*)
- 5 *Seminary* (See, *Convent*)
- 6 *Senior housing* A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 60 years of age or older. The facility may include medical facilities or care. Senior housing shall typically consist of multiple-household attached ~~dwelling~~s, but ~~dwelling~~s but may include detached dwelling units as part of a wholly owned and managed senior project.
- 7 *Servant quarters* An accessory building located on the same lot with the principal building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.
- 8 *Service and repair* Any establishment whose primary activity is the provision of repair or other service, as opposed to products, for clothing or small appliances.
- 9 *Service oriented business office* Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.
- 10 *Setback* (see also *Building setback*) The required minimum horizontal distance between a building, structure, sign, or other use (e.g., off-street parking lot) and the applicable property line or right-of-way line, in which no structure can be placed or erected, unless otherwise provided for in this ordinance.

- 11 *Sewage lift station* Facilities designed to move wastewater from lower to higher elevation, particularly where the elevation of the source is not sufficient for gravity flow and/or when the use of gravity conveyance will result in excessive excavation depths and high sewer construction costs.
- 12 *Shed* A relatively small structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing and does not need to be placed on a permanent foundation. A shed is considered an accessory structure.
- 13 *Side yard* (See, *Yard, side*)
- 14 *Sidewalk café* (See, *Outside dining*)
- 15 *Silo* A tower or pit on a farm used to store grain.
- 16 *Siltation control* The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction and up to and including such time as permanent ground cover is attained.
- 17 *Single-family attached* A residential structure designed to house a single-family unit from lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.
- 18 *Single-family detached* A residential structure designed to house a single-family unit, with private outside entrance, but without common walls between the dwelling units.
- 19 *Sit down restaurant* An establishment which sells food and beverages in a ready-to-consume state primarily to persons who are seated within the building or outside on the premises.
- 20 *Site coverage* (see also *Building coverage*) The area of the site which is covered by buildings, driveways, parking lots, loading areas, but excluding open spaces, plazas, pedestrian circulation, and buffer areas.
- 21 *Slope* The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.
- 22 *Stable* A detached building, accessory to a residential use, for keeping of a horse or horses owned by the occupants of the premises and which shall not be used for any commercial purpose, including boarding, hiring, sale or training of horses.
- 23 *Stacking space* A temporary waiting area for motor vehicles obtaining a service or other activity.
- 24 *Static transformer station* (See, *Electric distribution / substation*)
- 25 *Street* A general term denoting a public or private way which affords the principal means of vehicular access of abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as interstate highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, but shall not include an alley or a pedestrian-way.
- 26 *Street line* A dividing line between a lot, tract or parcel of land and a contiguous street.

- 27 *Street loop* A short, independent street which usually terminates along the same collector street of its origin.
- 28 *Street, collector* Collector streets function as secondary land service streets in that they move traffic from the major streets, which distribute traffic regionally, to minor streets, which distribute the traffic to individual lots, parcels, and uses within the subdivision, area, or neighborhood. Collector streets also may serve individual lots, parcels, and uses as a secondary or additional function.
- 29 *Street, cul-de-sac* A short, independent, minor street terminating in a circular turnaround.
- 30 *Street, frontage or service* A minor street generally parallel to and adjacent to arterial streets and highways, which provides access to abutting properties and protection from through traffic.
- 31 *Street, major (arterial)* A street utilized for high vehicular speeds or for heavy volumes of traffic on a continuous route.
- 32 *Street, minor* Minor streets are exclusively land service facilities for access to abutting properties. These serve the local neighborhood and may be in the form of a cul-de-sac or loop street; provided, however, that any combination of loop and cul-de-sac streets may be utilized without the streets being designated as collector streets provided that such an arrangement serves the same function and also that the maximum fronting lots do not exceed the total which would be allowed within the provisions of the street specifications matrix.
- 33 *Street, private* A private way which affords the principal means of vehicular access to abutting property.
- 34 *Structural alterations* Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or exterior walls.
- 35 *Structure* Anything constructed, erected or located thereon the use of which requires permanent location on the ground or which, though movable, is used for a purpose which usually and customarily involves permanent location on the ground (including, but without limiting the generality of the foregoing, advertising, signs, billboards, poster panels, backstops for tennis courts, pergolas and structures for the housing of persons, animals, fowls, chattels or property).
- 36 *Structure for Storage* See *Shed*
- 37 *Subdivision* A division or redivision of land into two (2) or more tracts, sites or parcels or the dedication or establishment of a road, highway or street through a tract of land regardless of area.
- 38 *Subdivision, large lot* A single family residential subdivision wherein all lots are three (3) acres or more in area and each boundary side is greater than two hundred (200) feet in length.
- 39 *Subdivision, minor* Any classification of a subdivision wherein the division or redivision of land meets the criteria set forth in Section 7.
- 40 *Substance abuse treatment center* Any premises, other than a convalescent home, nursing home, hospital or medical office, providing treatment and rehabilitation for alcoholism, drug abuse or both.

41 *Substantial modification* The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed, 1) 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, 2) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable); 3) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four (4) new equipment cabinets; or 4) Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet.

42 *Surety company* An insurance company qualified and acting under the provisions of RSMo ch. 379 and which is approved by the city to act as a surety.

43 *Swimming pool* Any artificial basin of water constructed or erected for wading or swimming.

15.20 - T

1 *Tattoo parlor* A commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method.

2 *Tavern* An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where prepared or packaged foods may be available for consumption on the premises.

3 *Taxi stand* A designated area where taxi cabs and vehicles employed in rideshare wait for passengers.

4 *Tea shop* (See, *Coffee shop*)

5 *Temporary portable outdoor storage unit* Any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

6 *Temporary storage structure* A building that does not have, nor is bolted to, a foundation, and sets directly on the ground, gravel or concrete pad or other improved area. Temporary storage structures ~~include, but~~include but are not limited to such structures as "child playhouses" and buildings used for storage of items such as lawn equipment, yard tools and implements, pool equipment, outdoor furniture and accessories. Structure cannot exceed two hundred fifty (250) square feet in gross floor area nor exceed eighteen (18) feet in height.

7 *Title company* A corporation qualified and acting under the Missouri Title Insurance Law or a corporation which is an issuing agency for an insurance company insuring land titles.

8 *Tourist home* (See *Boarding home*)

- 9 *Towing* An outdoor storage facility for the temporary storage of towed vehicles.
- 10 *Tract* An area or parcel of land which the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this ordinance.
- 11 *Traffic engineer* An engineer whose principal professional practice is in the field of traffic engineering.
- 12 *Traffic impact study (or analysis)* A comprehensive collection and analysis of all information necessary to accurately evaluate the effect and impact of traffic generated by a development on the current and future road network surrounding the development.
- 13 *Trust indenture* Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations or both.
- 15.21 - U**
- 1 *University* (See, *College*)
- 2 *Utility* Any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.
- 3 *Utility pole* A structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.
- 15.22 - V**
- 1 *Vehicle repair facility* A building designed and used for the repair or refinishing of automobiles and light trucks, including both minor and major mechanical overhauling or replacement, painting, and body work. Major repairs may include; the removal and installation of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts; but not including tire recapping or vulcanizing, outdoor storage of wrecked or otherwise damaged and immobilized vehicles, or the sale of motor vehicles.
- 2 *Vehicle service facility* A building designed and used for performing minor repairs or maintenance services on automobiles and trucks. Such minor repairs and services include; tune-ups, changing flat tires, repairing electrical systems, replacing hoses, replacing filters, installing minor accessories, adding or replacing lubricants, coolant, refrigerant, or other vehicle fluids; the sale of parts and supplies associated with such services; but not including the sale of motor vehicles.
- 3 *Vehicle rental* (See, *Vehicle sales*)
- 4 *Vehicle sales* The use of any building or portion thereof, or other premises or portion thereof, for the storage, display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.

- 5 *Vehicle sign* A sign that is attached to or painted on vehicles, vans, trailers or trucks which are parked continuously in the same general location to be used as an additional freestanding or temporary sign. This does not prohibit vehicle or trailer owners from having vehicles or trailers with signs provided the vehicles or trailers are in use on a regular basis and are not continuously parked in one parking lot.
- 6 *Vehicle storage* (See, *Vehicle sales*)
- 7 *Vocational school* A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair.
- 15.23 - W**
- 1 *Wall sign* A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.
- 2 *Wall, exterior* A wall fully exposed to the outside air that forms the perimeter of a building or structure. Where a building or structure is not wholly surrounded by exterior walls, then the exterior wall shall be considered as the vertical projection between the edge of the roof above and the floor of ground area below.
- 3 *Warehouse, self-service storage* A building or group of buildings with controlled access that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.
- 4 *Water tower* A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.
- 5 *Water system facility* Any facility related to the public water system including distribution systems, treatment plants, wells, and the like.
- 6 *Wastewater treatment plant* The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes.
- 7 *Wholesale sales* An establishment or place of business primarily engaged in selling and/or distributing merchandise to paid members, retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.
- 8 *Window section* Any portion of a window enclosed within a single window frame.
- 9 *Window sign* A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise display.
- 10 *Wireless communications service* Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 USC 301.

- 11 *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;
- 12 *Wireless support structure* A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles. The term shall not include any support structure including attachments of sixty (60) feet or less in height owned and operated by an amateur radio operator licensed by the Federal Communication Commission.

15.24 - X

RESERVE

15.25 - Y

- 1 *Yard* An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building or any projection thereof shall be used.
- 2 *Yard, front* A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the front of the main building or any projection thereof, other than the projection of the usual steps or entranceway. (see also *Lot, corner*).
- 3 *Yard, rear* A yard extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- 4 *Yard, side* A yard between the main building or any projection thereof, and the side line of the lot and extending from the front of the main building to the rear of the main building.

15.26 - Z

- 1 *Zoning district* Part or parts of the City of Sunset Hills for which the zoning ordinance establishes regulations governing the development and use of land. Such regulations are uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.
- 2 *Zoning enforcement officer* The city engineer and/or such other person or persons as the board shall appoint.
- 3 *Zoning ordinance* The zoning ordinance of the City of Sunset Hills.