

Chapter 400 Zoning Regulations

Cross References — As to Planning and Zoning Commission, §§105.530 – 105.590; as to location of stables, sheds, etc., §210.020; as to requirement that keeping of domestic fowl is in compliance with zoning regulations, §210.290; as to requirements that off-street parking and loading comply with zoning regulations, §410.070; as to subdivision regulations, ch. 405.

Article I General Conditions

Section 400.010 Definitions.

[R.O. 2010 §400.010; CC 1970 §33-1; Ord. No. 1305 Art. 2 §1, 4-24-1963; Ord. No. 1393 §A, 6-10-1966; Ord. No. 1481 §§3 – 4, 1-16-1970; Ord. No. 12-86 §1, 8-18-1986; Ord. No. 4-94 §2, 2-17-1994; Ord. No. 17-94 §2, 10-17-1994; Ord. No. 21-94 §1, 12-5-1994; Ord. No. 04-01 §1, 3-19-2001; Ord. No. 02-02 §1, 2-4-2002; Ord. No. B21-04 §1, 11-15-2004; Ord. No. 05-06 §§1 – 2, 2-20-2006; Ord. No. 13-06 §1, 6-14-2006; Ord. No. 22-08 §1, 8-18-2008; Ord. No. B04-14 §2, 4-7-2014; Ord. No. B13-14 §1, 8-4-2014; Ord. No. B04-16, 4-4-2016; Ord. No. 12-19, 8-5-2019; Ord. No. 11-20, 6-1-2020; Ord. No. B14-22, 10-17-2022; Ord. No. 10-23, 3-6-2023; Ord. No. 21-24, 10-7-2024; Ord. No. 22-24, 11-18-2024; {Add new ordinance reference}]

For the purposes of this Title IV and for the purposes of Title V, the following words and phrases shall have the meanings respectively ascribed to them by this Section. Regarding Wireless Facilities and Wireless Support Structures, any term not expressly defined herein shall have the meaning set forth in Sections 67.5090 through 67.5104, RSMo.

ACCESSORY BUILDING

A subordinate building, separate and detached from the main building; built on a permanent foundation and fully-enclosed and covered by a roof; the use of which is incidental to that of the main building or to the use of the premises; an accessory dwelling unit (ADU) shall be located in an accessory building. Garages, carriage houses, accessory dwelling units, and pool houses are examples of accessory buildings.

ACCESSORY DWELLING UNIT

A subordinate dwelling unit located in an Accessory Building, for occupation only by a member of familial relation to the owner or occupant of the premises, or to a domestic employee employed by the owner or occupant of the premises. Accessory Dwelling Units shall not be rented for commercial purposes to persons who are not familial relatives to the owner or occupant of the premises, or who are not employed by the owner or occupant of the premises as a domestic employee.

ACCESSORY STRUCTURE

A subordinate structure, separate and detached from the main building; either (a) partially- or fully-open to the air, partially- or fully-covered by a roof, and built on a permanent or temporary foundation;

or (b) fully-enclosed and covered by a roof, and built on a temporary foundation; the use of which is incidental to that of the main building or to the use of the premises. Swimming pools, sport courts, gazebos, and sheds are examples of accessory structures.

ACCESSORY USE

A use which is incidental to the main use of a building or land.

AGL

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.

ANTENNA

Any device that transmits or receives electromagnetic signals for voice, data or video communications purposes, including, but not limited to, television, AM/FM radio, microwave, wireless communications services and similar forms of communications. 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.

BALCONY

A platform enclosed by a parapet or a railing projecting from a wall or a building.

BASEMENT

A story partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

BUILDING

Any structure designed or intended for the support, enclosure, shelter or protection of persons or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building. See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

BUILDING, DRIP LINE AREA

The area of the maximum horizontal extents of either (a) the structure roof (i.e. for buildings, gazebos, pavilions, and similar structures); or (b) the structure floor for structures that are not enclosed under a roof (i.e. for decks, boardwalks, and similar structures); or (c) the impervious surface for on-grade structures that are not enclosed under a roof (i.e. for swimming pools, patios, and similar structures).

BUILDING ENVELOPE

That portion of a platted lot that is available for construction and is exclusive of required front, rear and side setback lines.

BUILDING, HEIGHT OF

The vertical distance measured from the Average Grade Elevation of the proposed finished grade (the Grade Plane) to the highest ridgeline height for pitched roofs, the highest coping height for flat roofs, or the highest deck line for mansard roofs, as defined and illustrated in **Chapter 5 of the Architectural Review Guidelines**. This measurement shall include flat, mansard, gable, hip and gambrel roofs, and all other architectural features of the building. The ordinary elevation of chimneys and flues may extend above the allowed building height, as regulated by the Building Code.

BUILDING LINE

The building line is a line between which line and the lot line no structure may be erected except as otherwise provided in this section.

CABINET

A structure for the protection and security of communications equipment associated with one (1) or more antennae where direct access to equipment is provided from the exterior and that has a horizontal dimension that does not exceed four (4) feet by six (6) feet, and vertical height that does not exceed six (6) feet.

CARRIAGE HOUSE

An Accessory Building on a residential property, separate and detached from the Single-Family Dwelling, consisting of a Private Garage with a partial or full second story. A carriage house may contain an Accessory Dwelling Unit (ADU) in the second story.

CITY ADMINISTRATOR

The City Administrator of the City of Glendale or their designee.

CHECK-CASHING ESTABLISHMENT

A business engaged in check cashing operations for a fee as a primary or substantial element of its business and which is not licensed by the appropriate State or Federal agency as a banking or savings and loan facility. Said business shall be prohibited in all zoning districts of the City of Glendale, Missouri.

CHILD DAY CARE CENTER

Any center, building, or facility, whether known or incorporated under another title or name, where a child care program is conducted in a location other than the provider's permanent residence or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24) hour day.

CLINIC, MEDICAL

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

COFFEE SHOP

An establishment where coffee and related products, including, without limitation, tea and baked goods, are sold in various forms to persons sitting at tables or counters or by carry out. Outdoor seating for patrons shall be conditioned on obtaining a conditional use permit. Sale of intoxicating liquors and beverages by the drink for consumption on the premises shall be conditioned on obtaining a conditional use permit (a) pursuant to a duly-issued liquor license, and (b) provided that the sale of intoxicating liquors and beverages by the drink constitutes not more than 35% of sales revenue.

COLLOCATION or CO-LOCATION

The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

COMPREHENSIVE FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

A facility licensed by the State to acquire, cultivate, process, package, store on-site or off-site, transport to or from, and sell marijuana, marijuana seeds, or marijuana vegetative cuttings to a medical facility, comprehensive facility, or marijuana testing facility.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the State to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings, marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, anywhere on the licensed property or to any address as directed by the consumer, to a comprehensive facility, a marijuana testing facility, or a medical facility.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or a marijuana testing facility, and sell marijuana-infused products, prerolls and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility.

COSMETIC MICROPIGMENTATION

A method of adding, replacing or augmenting cosmetic features by the placement of subcutaneous pigmentation by a licensed doctor or nurse.

COVERAGE, LOT

The percentage of lot area covered by all buildings, structures on the lot (footprint) divided by the lot area. Buildings include any structure or part of a structure covered by a roof, including, but not limited to, residences, unenclosed porches, garages, gazebos, sheds, breezeways, carports, etc.. The area of lot coverage is calculated from the constructed footprint at grade of all buildings.

DECK

A flat floored platform not set into but raised above the ground, having no roof or covering of any kind, which is usually but not necessarily attached to a structure.

DELICATESSEN

An establishment where sandwiches and other ready to eat food products are sold in various forms to persons sitting at tables or counters or by carry out. Outdoor dining shall be conditioned on obtaining a conditional use permit. Sale of intoxicating liquors and beverages by the drink for consumption on the premises shall be conditioned on obtaining a conditional use permit (a) pursuant to a duly-issued liquor license, and (b) provided that the sale of intoxicating liquors and beverages by the drink constitutes not more than 35% of sales revenue.

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. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, water towers, light standards, flag poles and artificial trees.

DISTRICT

A section of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards or the intensity of use are uniform.

DRIVE-THRU RESTAURANT

Refer to “Restaurant, Drive-Thru”.

DWELLING

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

DWELLING, MULTIPLE-FAMILY

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

DWELLING, SINGLE-FAMILY

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

EAVE HEIGHT/ROOF PLATE HEIGHT

The height of the eave of the roof or the roof plate measured from the Grade Plane/Average Grade Elevation for the structure.

FAA

The Federal Aviation Administration.

FAMILY

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

FCC

The Federal Communications Commission.

FENCE

Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure encircling either wholly or any portion of any area.

FILLING STATION

Any building or premises used for the dispensing, sale or offering for sale of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

FLOOR AREA

The horizontal area of a floor of a building measured from the exterior face of exterior walls of building, without deduction for hallways, closets, thickness of walls, columns, or other features.

FLOOR AREA, ADJUSTED GROSS

The total described by the sum of the horizontal plane of the floors of a building at each floor measured to the exterior walls of a building or structure and adjusted as follows:

1. All living space with ceiling heights of sixteen (16) feet or greater shall be counted at two hundred percent (200%).
2. Basements, as defined herein, including garages located below the first floor of a single-family home shall not be counted.
3. Unenclosed porches, terraces and steps shall not be counted.
4. Detached garages shall not be counted, but any conditioned space above a detached garage shall be counted.
5. The floor area of all other attached garages shall be counted at fifty percent (50%).
6. The conditioned portion of a half-story shall be counted. For purposes of computing floor area for a half story, any portion of the floor area measuring less than five (5) feet from the finished floor to the finished ceiling (such as spaces enclosed in a roof attic) shall not be included in the computation of floor area.

FLOOR AREA RATIO (FAR)

The total Gross Floor Area of the building determined by adding the Adjusted Gross Floor Area for each of the stories including second floor areas open to the floor below and fifty percent (50%) of the attached garage, divided by the total lot area. Floor area for the first and full second floor shall be

measured from the exterior of the building. See **Chapter 5 of the Architectural Review Guidelines** for more detailed description of FAR calculation and proofs of measure requirements.

FOUNDATION, PERMANENT

A permanent foundation is classified as a steel-reinforced, poured-in-place concrete slab; steel-reinforced, poured-in-place concrete grade beam; and/or any foundation with footings and/or piles located below the frost line.

FOUNDATION, TEMPORARY

A temporary foundation is any foundation not comprised of steel-reinforced poured-in-place concrete, including wood, pavers, gravel, and dry-set masonry.

FRONT YARD BUILD-TO LINE

A specific distance or range of distances measured from the lot line(s) with street frontage(s), as specified in this Chapter, at which the front building façade is to be placed or placed between in a commercial zoning district.

FRONT YARD, PERTAINING TO FENCES

Includes the ground between the front building line of a lot and the property line if the lot is not built on, or if built on between the front line of the constructed primary structure extended to both side property lines of such lot, and the front property line of the lot. If such lot is a corner lot then, in addition to the front yard described above, the front yard, if such corner lot is not built on, shall also include the ground between the front building line and the side property line on the side of such lot, or if built on, between the side line of the constructed primary structure and the side property line extended to both the front and rear yard lot lines. Provided, however, that if there is a constructed primary structure to the rear of such corner lot in an adjacent lot that is closer to said side street than the constructed primary structure on the corner lot, then the front line of such adjacent building may be used to determine the front yard of the corner lot. In either event, however, the fence cannot extend beyond the rear line of the constructed primary structure on the corner lot. So that corner lots shall have a double front yard as defined herein. A "double frontage lot," having frontage on two (2) streets that do not intersect at such lot, shall be deemed as having two (2) front yards, one (1) on each street. This definition of a "double frontage lot" shall not apply, however, to any frontages zoned residential which abut a State-maintained road.

FRONTAGE

All the property abutting on one (1) side of a street or place between two (2) intersecting streets or places, crossing or terminating, or if the street or place is a dead-end, then all of the property abutting on one (1) side between an intersecting street or place and the dead-end of the street or place.

GARAGE, PRIVATE

An accessory building or portion of a main building used for parking or storage of motor-driven vehicles owned or used by the occupants of the lot on which the private garage is located.

GARAGE, PUBLIC

Any building or premises, except those used as a private storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles.

GRADE

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

GRADE PLANE/AVERAGE GRADE ELEVATION

The Grade Plane/Average Grade Elevation (AGE) is calculated by recording the grade elevation at points six (6) feet away from the building using the building corners and the midpoints of the side yard facades for reference, adding such elevations together and dividing by six (6) $[(A1 + A2 + A3 + A4 + A5 + A6) \div 6 = \text{Grade Plane/Average Grade Elevation}]$.

GROUP HOME

A single-family dwelling or single-family residence in which eight or fewer unrelated mentally or physically handicapped persons reside, and two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. The exterior appearance of the home and property must be in reasonable conformance with the general neighborhood standards. There shall be not more than one (1) group home or one (1) foster home per 0.45 square miles in any "R-1", "R-2", "R-3", or "R-4" Districts.

HOME-BASED BUSINESS

Any business operated in a residential dwelling involving the performance of home-based work that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

HOME-BASED BUSINESS, NO IMPACT

A home-based business qualifies as a no impact home-based business if:

1. The total number of employees and clients on-site at one (1) time does not exceed the occupancy limit for the residential dwelling; and
2. The activities of the business:
 - a. Are limited to the sale of lawful goods and services;
 - b. May involve having more than one (1) client on the property at one (1) time;
 - c. Do not cause a substantial increase in traffic through the residential area;
 - d. Do not violate any parking regulations established by the political subdivision;
 - e. Occur inside the residential dwelling or in the yard of the residential dwelling; and
 - f. Are not visible from the street.

HOME-BASED WORK

Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

HOME OCCUPATION

Any occupation in connection with a home-based business and the performance of home-based work for which there is no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose than that of a dwelling; it does not cause a substantial increase in traffic through the residential area; it does not violate any parking regulations established by the City; it occurs solely inside the residential dwelling or in the rear yard of the residential dwelling; it is not visible from the street; and there is no mechanical equipment used except such as is permissible for purely household purposes.

HOTEL

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

HOUSE OF WORSHIP

Any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose, exclusive of a personal residence.

ICE CREAM PARLOR/MALT SHOP

An establishment where hard or soft ice cream is sold in various forms such as in cones, sundaes, shakes, malts and floats served to persons sitting at tables or counters by waiters or waiters standing behind service counters, to be consumed by the customers within the building. Carryout ice cream may be served for consumption off premises. Said use shall be conditioned on obtaining a conditional use permit. Sale of intoxicating liquors and beverages by the drink for consumption on the premises shall be conditioned on obtaining a conditional use permit (a) pursuant to a duly-issued liquor license, and (b) provided that the sale of intoxicating liquors and beverages by the drink constitutes not more than 35% of sales revenue.

IMPERVIOUS SURFACE

Any material, construction, and/or ground surface that significantly reduces or prevents natural infiltration of water into the soil, including, without limitation: roofs, patios, swimming pools, sport courts streets, parking areas, driveways, sidewalks, and any pavement including concrete, stone, brick, asphalt, unit pavers, and/or compacted gravel surfaces.

INSTITUTION

A building occupied by a non-profit corporation or a non-profit establishment for public use.

LARGE SCALE HOUSING DEVELOPMENT

The concurrent or planned sequential construction of three (3) or more homes in the "R-1", "R-2", "R-3", "R-4", and "R-5" zoning districts by a single developer or resident.

LANDSCAPE BUFFER

A designated area reserved for landscaping, located along and parallel to a side or rear lot line, the width of which is measured perpendicular to the adjacent lot line. Landscape buffers shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Landscape buffers provide a buffer area between commercial land uses and residential land uses.

LOADING SPACE

A space within the main building or on the same lot providing for the standing, loading or unloading of trucks which has a minimum of twelve (12) feet by thirty-five (35) feet and a vertical clearance of fourteen (14) feet.

LOT

A parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, including the open spaces required by this Chapter and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF

The mean horizontal distance between the front and rear of lot lines.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines bounding a lot.

LOT OF RECORD

A lot which was in compliance with the existing ordinances at the time it was created and which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder, or such lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder on or before {**Insert Date of Adoption of this Ordinance**}.

LOT, WIDTH OF

For the purpose of determining the dimensions of the side yards and the width of a lot, the distance between side lot lines shall be measured at the building line.

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, as defined by Missouri Statute, or commodities or products manufactured from industrial hemp.

MARIJUANA FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State, but does not include a medical facility.

MARIJUANA-INFUSED PRODUCTS

Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls, as defined by Missouri Statute.

MARIJUANA MICROBUSINESS FACILITY

A facility licensed by the State as a microbusiness dispensary facility or microbusiness wholesale facility.

MARIJUANA TESTING FACILITY

A facility certified by the State to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

MASONRY WALL

Any solid wall of brick, stone, concrete or ceramic construction above the grade level of such property.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana in accordance with applicable law and regulations.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by the State to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings, marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, anywhere on the licensed property or to any address as directed by the consumer as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility.

MICROBUSINESS WHOLESALE FACILITY

A facility licensed by the State to acquire, cultivate, process, package, store on-site or off-site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings, and marijuana-infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility.

MOTEL OR MOTOR COURT

An area occupied by one (1) or more permanent buildings, excluding a single-family dwelling for a manager, operator or owner, each to be classed as a main building, each an individual unit or suite of rooms or divided into individual units or suites of rooms, each of which is designed for temporary living facilities generally intended for transients; such area to include structures for such accessory uses as storage garage for each unit or suite of rooms, manager's office, but the area not to be occupied by trailers, mobile homes or tents.

NEW CONSTRUCTION

The (a) construction of a new residence upon a platted lot in the "R-1", "R-2", "R-3", "R-4" and "R-5" zoning districts; (b) the construction of an addition, renovation, or alteration with a permanent foundation, covered by a roof, of a size greater than either five hundred (500) square feet or greater than fifteen percent (15%) of the area of the primary structure; or (c) the construction of an accessory building or accessory structure that has a roof and is either in excess of one (1) story or three hundred (300) or more square feet in size, or is an in-ground swimming pool.

NON-CONFORMING USE

Any building or land lawfully occupied by a use at the time of passage of this Chapter {Insert Date of Adoption of this Ordinance}, or amendments thereto which does not conform after the passage of this Chapter {Insert Date of Adoption of this Ordinance}, or amendments thereto with the use regulations of the district in which it is situated.

PARKING LOT

Any place, lot, parcel or yard used in whole or in part for storing or parking of two (2) or more vehicles where such usage is not incident to or in conjunction with a single-family dwelling, or other usage permissible in single-family dwelling districts, and located on the same tract.

PARKING SPACE

A durably surfaced area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) standard automobile and if the space is unenclosed, comprising an area of dimensions not less than nine (9) feet by nineteen (19) feet, which is suitable to parking an automobile. Parking space(s) shall be accessible by an adequate drive aisle or driveway.

PICK-UP WINDOW

Refer to “Restaurant, Pick-Up Window”.

PIERCING STUDIO OR ESTABLISHMENT

Any place or facility where body piercing, including piercing any part of the body or head, is performed as a primary or substantial element of its business. Said business shall be prohibited in all zoning districts of the City of Glendale, Missouri.

PORCH, ENCLOSED

A covered platform extending from an entrance of a house or other building, the floor of which is constructed of poured concrete, brick, hard-scape pavers, or wood and having a foundation in the ground, which is enclosed and sheltered from the elements, in whole or in part, by open-air screen walls, weather-proof walls, windows or any combination thereof.

PORCH, UNENCLOSED

A covered or uncovered platform, extending from an entrance of a house or other building, the floor of which is constructed of poured concrete, brick, hard-scape pavers, or wood, and having a foundation in the ground, which may be surrounded by knee walls or railings.

PUBLIC BENEFIT

An improvement included as part of a site development that is either privately-developed and deeded to the City of Glendale for public use, or which is privately-developed, privately-owned, and privately-maintained, managed, and operated, but which is provided for public access and use. Public benefits can include streetscape enhancements, plazas, parks, parklets, a town square, public art, water features, special landscapes, and other public realm improvements.

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.

RESTAURANT

An eating establishment where food and drink are prepared, served and consumed by persons within the building or for carry-out. A restaurant shall not be permitted to operate with a drive-in or drive-thru where food is served to persons in automobiles or other vehicles unless a conditional use permit is issued. Sale of intoxicating liquors and beverages by the drink for consumption on the premises shall be conditioned on obtaining a conditional use permit (a) pursuant to a duly-issued liquor license, and

(b) provided that the sale of intoxicating liquors and beverages by the drink constitutes not more than 35% of sales revenue.

RESTAURANT, DRIVE-THRU

Any restaurant that provides food or beverages to persons remaining in their vehicles or where the vehicles are temporarily stopped in a driveway or lane adjacent to a service window or to a dispensing kiosk.

RESTAURANT, PICK-UP WINDOW

A window at a restaurant where persons can collect food or beverages that have been ordered and paid for in advance, but at no time shall an order be placed through such a window.

SHELTER

A building for the protection and security of communications equipment associated with one (1) or more antennae and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

SHORT-TERM LOAN ESTABLISHMENT

A business in providing short-term loans to the public as a primary or substantial element of its business and which is not licensed by the appropriate State or Federal agency as a bank or savings and loan facility. Said business shall be prohibited in all zoning districts of the City of Glendale, Missouri. A licensed pawnbroker operating in conformity with the provision of the City Code relating to pawnbrokers shall not be considered a "short-term loan establishment" within the meaning of this definition and prohibition, but only as to such licensee's pawn brokerage activities. Pawnbrokers are not permitted to engage in any short-term lending other than by a pawn transaction.

SNACK BAR

An area of an establishment authorized to conduct a recreational use of its premises, such as by way of illustration only, a bowling alley or golf driving computerized range, where sandwiches and other ready to eat food products are sold in various forms to persons for consumption either sitting at tables or participating in the recreational use offered on the premises. Said use shall be conditioned on obtaining a conditional use permit. Sale of intoxicating liquors and beverages by the drink for consumption on the premises shall be conditioned on obtaining a conditional use permit (a) pursuant to a duly-issued liquor license, and (b) provided that the sale of intoxicating liquors and beverages by the drink constitutes not more than 35% of sales revenue.

SOLID FENCE

Any fence whose total area shall be fifty percent (50%) or more of solid material, whether of wood, metal, plastic, stone, brick, concrete or other material, and fifty percent (50%) or less of whose area shall be open space.

STORE AND RETAIL STORE

An establishment where manufactured or processed merchandise is purchased by the owner or operator thereof and resold to the consumer without further processing, manufacture or other change in the character or nature of the goods, such as a hardware store and grocery store. It does not include an establishment where food is processed, prepared or cooked for consumption and sale.

STORY

See the St. Louis County Building Codes adopted and set out in **Section 500.010** of this Code.

STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than five (5) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. The portion of a "half-story" containing any conditioned space shall be counted in the calculation of adjusted gross floor area.

STREET

A place, avenue, court, drive, lane, combination of road and utility easement or thoroughfare over which pedestrians, private or public vehicles may pass, inclusive of any parking or walk areas.

STREET LINE

A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

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:
 - a. More than ten percent (10%); or
 - b. The height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or
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.

TATTOOING

Any method of placing designs, letters, scrolls, figures or symbols upon or under the skin with ink or colors by the aid of needles or instruments. The provision of cosmetic micro-pigmentation services by a licensed doctor or nurse shall not be considered "tattooing" as that term is used in this Chapter.

TATTOOING ESTABLISHMENT

Any place or facility where tattooing is performed. Said business shall be prohibited in all zoning districts of the City of Glendale, Missouri.

WIRELESS COMMUNICATIONS SERVICE

Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. Section 301.

WIRELESS FACILITY

The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.

WIRELESS SUPPORT STRUCTURE

A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

WORK ZONE

The area surrounding the building constructed or to be constructed and any additions thereto, which shall be large enough to provide space to enter upon in delivering materials to the site, loading, unloading and storage of materials and including space for workers and equipment to move around the job site at all times during construction, up to and including the entire lot if necessary.

YARD

An open space, other than a court, 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 average horizontal distance measured at right angles to the lot line, between the lot line and the main building shall be used.

YARD, FRONT

A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance measured at right angles to the street line between the street line and the main building or any projection thereof, other than steps, or unenclosed porches as provided in **Section 400.070**, if the lot is built on, or measured to the front building line if the lot is not built on. On corner lots, there are two

front yards. If such lot is a corner lot then, in addition to the front yard described above, the front yard, if such corner lot is not built on, shall also include the ground between the front building line and the side property line on the side of such lot, or if built on, between the side line of the constructed primary structure and the side property line extended to both the front and rear yard lot lines. A "double frontage lot," having frontage on two (2) streets that do not intersect at such lot, shall be deemed as having two (2) front yards, one (1) on each street. This definition of a "double frontage lot" shall not apply, however, to any frontages zoned residential which abut a State-maintained road.

YARD, REAR

A yard extending across the rear of a lot measured between lot lines and measured at right angles to the rear lot line, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection other than steps, or unenclosed ground level porches. On corner lots upon which a house is constructed, the rear yard shall be considered as parallel to the street upon which the primary front façade of the house including the front door of the house is facing. On corner lots upon which a house is not constructed, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. 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.

YARD, SIDE

A yard between the building and the side line of the lot and extending from the front building line to the rear yard line.

Section 400.020 Districts Enumerated.

In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; and to regulate and determine the area of yard and other open spaces within and surrounding buildings, the City is hereby divided into districts of which there shall be ten (10) in number, known as:

1. “R-1” Residential
2. “R-2” Residential
3. “R-3” Residential
4. “R-4” Residential
5. “R-5” Multi-Family Residential
6. “C-1” Neighborhood Commercial
7. “C-2” Corridor Mixed-Use

8. “CVO” Civic Overlay
9. “RCO” Recreation Overlay

Section 400.030 District Map.

The boundaries of the districts are shown upon the map designated as the District Map. The District Map and all the notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, which District Map is properly attested and is on file with the Clerk of the City.

Section 400.035 Summary Table of District Regulations.

Zoning District	Minimum Lot Size				Lot Area			Impervious Surface		Height and Bulk	
	Lot of Record		New Lot		Front Yard, Min.	Side Yard, Min.	Rear Yard, Min. (ft.)	Total Lot Max. Area (%)	Front Yard Max. Area (%)	Building Height, Max. (ft.)	Floor Area Ratio, Max.
	Area (s.f.)	Width (ft.)	Area (s.f.)	Width (ft.)							
“R-1”	As Platted		10,000	100	Average of the planes of the two (2) existing main building façades of the two (2) lots, one of each located on either side of the lot being built.	12% Lot Width, Not Less Than 10 ft.	30	55	45	35 ⁴	0.30
“R-2”			10,000	85		12% Lot Width, Not Less Than 10 ft.					
“R-3”			7,000	50		10% Lot Width, Not Less Than 6 ft.					
“R-4”			6,500	50		10% Lot Width, Not Less Than 6 ft.					
“R-5”			n/a	n/a	n/a; Subject to Section 400.690	n/a; Subject to Section 400.690	n/a; Subject to Section 400.690	n/a; Subject to Section 400.690	n/a; Subject to Section 400.690	35 ⁴	n/a; Subject to Section 400.690
“C-1” ¹			7,500	80	0 ft. min. 30 ft. max.	10 ft.	25	85	100	35 ⁴	n/a
“C-2” ¹			10,000	100	0 ft. min.; 30 ft. max.; ²	0 ft. ³ ; 10 ft. ⁴	25	85	100	35 ⁴	n/a
“CVO”			Per Underlying Zoning; Minimum District Size of one (1) acre		30 ft. min.	12% Lot Width, Not Less Than 10 ft.	30	65	30	Per Section 400.070	n/a
“RCO”	Per Underlying Zoning; Minimum District Size of one-and-one-half (1.5) acres		30 ft. min.	12% Lot Width, Not Less Than 10 ft.	30	45	30	35 ⁵	n/a		

1. For “C-1” and “C-2” lots, a Front Yard Build-to Line is used.
2. For “C-2” lots with a frontage on Sappington Road, Front Yard Build-to Line shall be a maximum of 35 feet.
3. When abutting another “C-2” lot only; if a side yard is provided, it must be a minimum of 5 feet.
4. When abutting an “R-1”, “R-2”, “R-3”, or “R-4” district.
5. Except as provided for in Section 400.070.

Section 400.040 Interpretation of Boundaries of Districts.

- A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map, the following rules apply:
1. The district boundaries are lot lines unless otherwise shown, and where the districts designated on the map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the Map.
 2. In unsubdivided property, the district boundary lines on the map shall be determined by use of the scale appearing on the map.

Section 400.050 Procedure Upon Vacation of Street, Alley, Etc.

[R.O. 2010 §400.050; CC 1970 §33-5; Ord. No. 1305 Art. 3 §3, 4-24-1963; {Add new ordinance reference}]

Whenever any street, alley or other public way is vacated by official action of the Board of Aldermen, the zoning districts adjoining each side of such vacated street, alley, place or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 400.060 Compliance with Chapter, Etc.

[R.O. 2010 §400.060; CC 1970 §33-6; Ord. No. 1305 Art. 3 §4, 4-24-1963; {Add new ordinance reference}]

- A. Except as hereinafter provided:
1. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
 2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to the extent specifically provided hereinafter except in conformity with the parking and loading regulations established in **Chapter 410** for the district in which the building is located.
 3. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established in this Chapter for the district in which the building is located.
 4. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.
 5. The minimum yard, parking spaces and other open spaces, including lot area per parcel required by this Chapter for each and every building existing on or before {Insert Date of Adoption of this Ordinance}, or for any building hereafter erected, shall not be encroached upon or considered as yard, parking or other open space for any other building, nor shall any lot area be reduced below the requirements for this Chapter for the district in which such lot is located.

6. Every building hereafter erected or structurally altered shall be located on a lot, as defined in this Chapter, and in no case shall there be more than one (1) main building on one (1) lot, unless otherwise provided in this Chapter.

Section 400.070 Additional Height and Area Regulations.

[R.O. 2010 §400.070; CC 1970 §33-7; Ord. No. 1305 Art. 12 §1, 4-24-1963; Ord. No. 1393 §C, 6-10-1966; Ord. No. 12-86 §§2 — 5, 8-18-1986; Ord. No. 34-87 §1, 12-7-1987; Ord. No. 10-94 §1, 7-18-1994; {Add new ordinance reference}]

- A. The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.
 1. When setback lines, easements, and other control lines governing the location of a building on a lot are provided on plats that were in existence before {Insert Date of Adoption of this Ordinance} and were approved by the Board of Aldermen, unless the City determines that there is a necessary reason to not have some or all of the setback lines, easements and other control lines of the existing plat prevail over the area regulations of this Chapter, the existing plat shall prevail over the area regulations of this Chapter.
 2. Public, semi-public or public service buildings, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
 3. Chimneys, elevator bulkheads, monuments, tanks, water towers, ornamental towers and spires, church steeples or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City.
 4. Wireless facilities and wireless support structures, subject to the regulations set forth in **Section 400.1260**.
 5. Accessory buildings shall not exceed twenty (20) feet in height, unless it is necessary to match the pitch of the accessory building's roof to the pitch of the main residential structure's roof, in which case additional height may be permitted subject to the determination of the Building Commissioner. In no case shall an accessory building's height exceed the height of the main residential structure.
 6. Accessory structures shall not exceed twenty (20) feet in height.
 7. Accessory buildings and accessory structures not exceeding twelve (12) feet in height which are not a part of or attached to the main building may be built in a rear yard or side yard no nearer than six (6) feet of the side or rear lot line; except that an accessory building used as a garage abutting any alley may be built up to the street line if no portion of the building including eaves and doors shall encroach into the public right-of-way and that accessory buildings and structures less than 120 square feet may be built in a rear yard or side yard no nearer than two (2) feet of the side or rear lot line. In the case of a corner lot, no accessory building shall be closer to any street line than permitted for the main building in relation to

the same street line. The setbacks for accessory buildings exceeding twelve (12) feet in height shall be the same as for the main building on the lot.

8. Accessory buildings which are not a part of the main building shall not occupy more than thirty percent (30%) of the required rear yard. Accessory buildings shall not be closer than ten (10) feet to the main building or to another accessory building.
9. A deck, whether freestanding or attached to a structure, may be built within the required rear yard area and may be built next to or adjoining a main or accessory structure. No deck shall be constructed within the side yard requirements of the "R-1" and "R-2" Zones or within fifteen (15) feet of any rear lot line. No deck and other accessory buildings shall occupy more than thirty percent (30%) of the required rear yard. Other than on double frontage lots, decks shall not be permitted in any required front yard.
10. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
11. Only accessory buildings that constitute carriage houses or accessory dwelling units shall be used for dwelling purposes.
12. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections for skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches or projecting eaves not to extend more than one-half (½) the required side yard.
13. An unenclosed porch, the ceiling of which, if any, is not more than one (1) story in height, the floor of which is even with or below the height of the floor of the first story of the building to which it is attached, and which does not project more than ten (10) feet in depth from the front of the building may be built within the required front yard, provided that it maintains a front yard setback of at least twenty-five (25) feet in the "R-1" Zoning District and of at least twenty (20) feet in the "R-2", "R-3", "R-4" and "R-5" Zoning Districts.
14. An area not to exceed three hundred (300) square feet of an unenclosed front porch shall be deducted from the lot area coverage. The area of lot coverage is calculated from the constructed footprint at grade of all buildings.

[Ord. No. B04-14 §3, 4-7-2014; {Add new ordinance reference}]

Section 400.080 Plats.

[R.O. 2010 §400.080; CC 1970 §33-8; Ord. No. 1305 Art. 15 §1, 4-24-1963; {Add new ordinance reference}]

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the buildings to be erected and such other information as may be necessary to provide for the enforcement of this Chapter. A record of applications and plats shall be kept in the office of the Building Commissioner.

Section 400.090 Interpretation, Purpose, and Conflicts.

[R.O. 2010 §400.090; CC 1970 §33-9; Ord. No. 1305 Art. 17 §1, 4-24-1963; {Add new ordinance reference}]

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Chapter; nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except, that if this Chapter imposes a greater restriction, this Chapter shall control.

Section 400.100 Procedure for Amending Chapter.

[R.O. 2010 §400.100; CC 1970 §33-10; Ord. No. 1305 Art. 18 §1, 4-24-1963; {Add new ordinance reference}]

- A. The Board of Aldermen shall have the authority to amend, supplement, change, modify or repeal by ordinance the text or map of the zoning regulations in accordance with the provisions of this article.
 1. Text amendments. An application for amendment to the written text of this Chapter may be filed in the office of the City Administrator for consideration by the Plan Commission and the Board of Aldermen. Such application may be initiated by the Mayor, the City Administrator, the Board of Aldermen, or the Plan Commission.
 2. Rezoning. An application for an amendment, revision or change in the zoning district designation as described by the official zoning map may be filed in the office of the City Administrator for consideration by the Plan Commission and the Board of Aldermen. Such application may be filed by the Mayor, the City Administrator, the Board of Aldermen, the Planning and Zoning Commission, or by any owner, agent, representative or contract purchaser with interest in the property to be included in the proposed change of zoning.
 3. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Plan Commission for its recommendations and report. Upon the submission of an application, the Plan Commission shall recommend the approval or denial of the application and forward its recommendation to the Board of Aldermen. If the Plan Commission makes no report within sixty (60) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon the filing of the recommendations and report by the Plan Commission with respect to any proposed amendment, supplement, change, modification or repeal, the Board of Aldermen shall proceed to hold a public hearing in relation thereto, giving notice that meets the requirements set forth in **Section 400.120**.
- B. Burden of proof. In assessing the relevance or acceptability of a rezoning application, the burden of proof in justifying the request shall rest with the applicant, both before the Plan Commission as well as the Board of Aldermen.
- C. Approval of request.
 1. Confirming Plan Commission recommendation. All text amendments and amendments to the zoning map, as described herein, shall require only a simple majority vote by the Board of Aldermen in those instances where the recommendation of the Plan Commission is in

- favor of the request and where a citizen protest has not been filed, as discussed in **Subsection (3)** of this Section.
2. Overruling Plan Commission recommendation. In those instances where the Plan Commission recommends denial of the request, a two-thirds majority vote of the entire membership of the Board of Aldermen shall be required to reverse the recommendation of the Commission.
 3. Citizen protests. In case a protest against amendment of the zoning for a particular parcel or parcels is presented, duly signed, notarized and acknowledged by the owners of 30 percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or by the owners of 30 percent or more of the land within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the land proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all of the members of the Board of Aldermen.
 4. Approval of rezoning portion of property. The Plan Commission may recommend that a petition for a change of zoning district classification be approved or denied for all or part of the property described in the petition. The Board of Aldermen may enact by ordinance such a partial granting of a petition for a change in zoning district classification.
 5. Approval of different classification. The Plan Commission may recommend and the Board of Aldermen may enact by ordinance a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same or more restrictive use type as that requested by the petitioner.
- D. Reapplication. In the event that any application to amend the zoning map is denied on final review by the Board of Aldermen, reapplication for the purposes of further review of the same application shall not be accepted by the City until 12 months following the date of final action on the original application has elapsed, unless it can be shown to the satisfaction of the Plan Commission that substantial new evidence not available during review of the original application will be presented.

Section 400.110 Enforcement of Chapter – Penalties.

[R.O. 2010 §400.110; CC 1970 §33-11; Ord. No. 1305 Art. 19 §1, 4-24-1963; {Add new ordinance reference}]

- A. It shall be the duty of the Building Commissioner to enforce this Chapter. Appeal from the decision of the Building Commissioner may be made to the Board of Adjustment as provided in this Chapter.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations 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 of 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 such 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 of not less than ten dollars (\$10.00) and not more than two hundred dollars (\$200.00) for each and

every day that such violation continues. Subsequent offenses involving the same violation at the same building or premises committed within a twelve-month period beginning with the first violation shall be punishable by a fine of not more than two hundred seventy-five dollars (\$275.00) for the second violation, three hundred fifty dollars (\$350.00) for the third violation, and four hundred fifty dollars (\$450.00) for the fourth and any subsequent violations.

- C. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of Sections 89.010 to 89.140 RSMo. or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140 RSMo.

Section 400.115 The Special Residential Zoning Overlay District for Properties Located Partially in Glendale and Oakland.

[Ord. No. B05-22, 3-21-2022; {Add new ordinance reference}]

- A. In the event a landowner, who owns one (1) or two (2) lots under common ownership and part of one (1) lot is located in the City of Glendale, Missouri, and part of one (1) lot is located in the City of Oakland, Missouri (hereinafter the “Cities”), and such lots have been maintained by the landowner, or a prior landowner, as a single-family residential property for a period of at least ten (10) years, desires to build or expand a single-family residential dwelling unit on one (1) or two (2) lots located partially in Glendale and partially in Oakland, the following shall apply:
1. The eleven (11) such lots shall be designated as a “Special Residential Zoning Overlay District” (“SRZD”) on the Zoning maps of Glendale and Oakland, Missouri, and shall be subject to the regulations created herein, which shall be known in each City as the “SRZD District” regulations. The base zoning district, "R-4C" in Oakland, and "R-4" in Glendale shall not change, but the regulations of the "SRZD" District, to the extent they conflict with the base zoning districts, shall supersede or supplement, as applicable, the regulations of the base zoning district(s) in Oakland and Glendale, but the base zoning districts shall otherwise remain in full force and effect. All property in the "SRZD" overlay district shall be used and developed or improved in conformity with the overlay and base district requirements that do not conflict with the overlay district regulations.
 2. Lots within the "SRZD" District shall be considered to be single-family residential uses pursuant to the applicable Municipal Zoning Code Sections in each of the Cities;
 3. Any existing single-family residential dwelling unit must have been constructed on a lot that either shares a common border between the Cities, or is partially located in Glendale and

partially located in Oakland for at least ten (10) consecutive years immediately preceding a building permit application; and

4. The landowner of lots within the "SRZD" District must notify each City, in writing, of the desire to expand or build a single-family residential dwelling unit on a lot or lots located within the "SRZD" District in order to proceed with the zoning consolidation process set out in this Section.
 5. The zoning consolidation process as referred to herein shall be for zoning purposes only, and shall not alter or affect the tax identification numbers of any lot located within the "SRZD" District for taxation purposes by the Assessor's and Collector's offices of St. Louis County, and the landowner shall not be required to record the lot consolidation with the Recorder of Deeds of St. Louis County, but only with the City Clerk of each City.
- B. The Cities shall each deem lots within the "SRZD" District as developable for single-family residential uses and the existing rear or side yard setbacks in each City's Zoning Code shall not be based on the common boundary line between the Cities, but shall be regulated as set forth herein.
- C. By and through a Cooperation Agreement between the Cities, the City within which a majority of a lot or lots (when combined for the zoning purposes of this Section) is located within the "SRZD" District shall be the sole governmental entity responsible for issuing appropriate zoning, building and Architectural Review Board ("ARB") permits, as applicable and except as set forth below regarding construction in rear yards, with respect to any proposed new single-family residence construction or expansion, and such dwellings shall be built or expanded in accordance with that City's zoning, building and ARB codes, as applicable except as set forth below regarding construction in rear yards; provided, however, that the rear yard setback shall in no event be less than thirty (30) feet and side yard setbacks shall be not less than the greater of six (6) feet or ten percent (10%) of the lot width, unless a variance to such rear yard or side yard setback is granted by both Cities' Boards of Adjustment.
- D. Notwithstanding anything to the contrary above, any and all permits required for any demolition or construction of any stormwater systems or parts of systems, accessory structures or parts of such structures (including, but not limited to detached garages), decks, fences, swimming pools and flatwork in the rear yard, or part of a rear yard, of a lot consolidated for purposes of this Section under the "SRZD" District rules shall be issued by the City in which the rear yard or impacted part of the rear yard is located.

Section 400.120 Public Notice Requirements

- A. For any and all actions provided for within this ordinance requiring a public hearing, the City shall give at least fifteen (15) days' notice of the time and place of such hearing, which notice shall first be published in an official newspaper or newspaper having a general circulation in the City.
- B. Additionally, for any amendment, revision, or change to the official zoning map; or for any Conditional Use Permit; or for any zoning variance, the City shall be responsible for notifying by first class mail all known property owners whose property lies within 300 lineal feet of the perimeter extents of the subject property requested to be rezoned; or subject to the Conditional Use Permit; or requesting a zoning variance. Such notice shall be postmarked at least 15 days prior to the

hearing. Failure of a particular property owner to receive notice, however, shall not be deemed to invalidate the application. The applicant seeking such change in zoning, conditional use permit, liquor license or zoning variance shall reimburse the city for the postage incurred in mailing such notice.

Section 400.125 Conversion Table, Chapter 400 Prior to {Insert Date of Adoption of this Ordinance} Converted to Chapter 400 After {Insert Date of Adoption of this Ordinance}

This conversion table enumerates the conversion of Chapter 400 Zoning Regulations from the version that existed prior to {Insert Date of Adoption of this Ordinance} to the current version, adopted on {Insert Date of Adoption of this Ordinance} by Ordinance Number {insert new ordinance number}, as follows:

Section Number, Previous Chapter 400	Previous Section Removed?	Section Converted		New Section Added	Section Number, Current Chapter 400
		Amended	Not Amended		
ARTICLE I (OLD), CONVERTED TO ARTICLE I (NEW) WITH AMENDMENTS					
400.010		●			400.010
400.020		●			400.020
400.030		●			400.030
				●	400.035
400.040		●			400.040
400.050			●		400.050
400.060			●		400.060
400.070		●			400.070
400.080			●		400.080
400.090			●		400.090
400.100			●		400.100
400.110		●			400.110
400.115			●		400.115
				●	400.120
				●	400.125
ARTICLE II (NEW)					
400.120	●			●	400.210
400.130	●			●	400.220
400.140	●			●	400.230
400.150	●			●	400.240
400.160	●			●	400.250
				●	400.260
				●	400.270
ARTICLE III (NEW)					
400.170	●			●	400.310
400.180	●			●	400.320
400.190	●			●	400.330
400.200	●			●	400.340

400.210	●			●	400.350
				●	400.360
				●	400.370
ARTICLE IV (NEW)					
				●	400.410
				●	400.420
				●	400.430
				●	400.440
				●	400.450
				●	400.460
				●	400.470
ARTICLE V (NEW)					
				●	400.510
				●	400.520
				●	400.530
				●	400.540
				●	400.550
				●	400.560
				●	400.570
ARTICLE IV (OLD), CONVERTED TO ARTICLE VI (NEW) WITH AMENDMENTS					
400.220		●			400.610
400.230			●		400.620
400.240		●			400.630
400.250			●		400.640
400.260			●		400.650
400.270			●		400.660
400.280			●		400.670
400.290			●		400.680
400.300			●		400.690
ARTICLE V (OLD), REMOVED					
400.310	●				
400.320	●				
400.330	●				
400.340	●				
ARTICLE VI (OLD), REPLACED WITH ARTICLE VII (NEW)					
400.350	●			●	400.710
400.360	●			●	400.720
400.370	●			●	400.730
400.380	●			●	400.740
400.390	●			●	400.750
400.400	●			●	400.760
400.410	●			●	400.770
ARTICLE VII (OLD), REPLACED WITH ARTICLE VIII (NEW)					
400.420	●			●	400.810
400.430	●			●	400.820
400.440	●			●	400.830

400.450	●			●	400.840
400.460	●			●	400.850
400.470	●			●	400.860
400.480	●			●	400.870
400.490	●			●	400.880
ARTICLE VIII (OLD), REMOVED					
400.500	●				
400.510	●				
400.520	●				
400.530	●				
400.540	●				
400.550	●				
400.560	●				
ARTICLE X (OLD), REMOVED					
400.640	●				
400.650	●				
400.660	●				
400.670	●				
ARTICLE XI (OLD), REMOVED					
400.680	●				
400.690	●				
400.700	●				
400.710	●				
400.720	●				
ARTICLE XII (OLD), REMOVED					
400.730	●				
400.740	●				
400.750	●				
400.760	●				
400.770	●				
400.780	●				
400.790	●				
ARTICLE IX (NEW)					
				●	400.910
				●	400.920
				●	400.930
				●	400.940
				●	400.950
				●	400.960
				●	400.970
				●	400.980
				●	400.990
ARTICLE X (NEW)					
				●	400.1010
				●	400.1020
				●	400.1030

				●	400.1040
				●	400.1050
				●	400.1060
				●	400.1070
				●	400.1080
ARTICLE XI (NEW)					
				●	400.1110
				●	400.1120
				●	400.1130
				●	400.1140
				●	400.1150
				●	400.1160
				●	400.1170
				●	400.1180
ARTICLE XII (NEW)					
				●	400.1210
				●	400.1220
				●	400.1230
ARTICLE XIII (OLD), CONVERTED TO ARTICLE XIII (NEW) WITH AMENDMENTS AND WITH ADDITIONS FROM ARTICLE IX (OLD)					
400.800		●			400.1310
400.810		●			400.1320
400.570 (A – B)	●				
400.570 (C)			●		400.1325
400.580	●				
400.590	●				
400.600	●				
400.610		●			400.1330
400.620			●		400.1340
400.630	●				
400.805		●			400.1350
400.815		●			400.1360
ARTICLE XIV (OLD), CONVERTED TO ARTICLE XIV (NEW) WITH NO AMENDMENT					
400.820			●		400.1410
400.830			●		400.1420
400.840			●		400.1430
400.850			●		400.1440
400.860			●		400.1450
400.870			●		400.1460
400.880			●		400.1470
400.890			●		400.1480
400.900			●		400.1490
ARTICLE XV (OLD), COVERTED TO ARTICLE XV (NEW) WITH NO AMENDMENT					
400.910			●		400.1510
400.920			●		400.1520

400.930			●		400.1530
400.940			●		400.1540
400.950			●		400.1550
400.960			●		400.1560
400.970			●		400.1470

Article II “R-1” Residential

Section 400.210 Use Regulations, All Lots.

[R.O. 2010 §400.120; CC 1970 §33-12; Ord. No. 1305 Art. 4 §2, 4-24-1963; Ord. No. 14-82 §1, 8-24-1982; **{Add new ordinance reference}**]

- A. Permitted uses for property in the "R-1" District shall be as follows:
 - 1. Single-family dwellings that are conventional-built buildings or structures.
 - 2. Places of worship, such as churches, temples, synagogues and related uses.
 - 3. Accessory buildings which are used for uses customarily incidental to the above uses, including a private garage.
 - 4. Home occupations, including home occupation by conditional use permit under the conditions set forth in **Section 400.1220**.
 - 5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- B. Conditional uses for property in the “R-1” District, upon the approval of a conditional use permit, shall be as follows:
 - 1. Group homes.

Section 400.220 Lot Size Regulations, Lots of Record.

As platted; no additional lot size regulations are applied to Lots of Record.

Section 400.230 Lot Size Regulations, Newly-Platted Lots.

- A. Lot area, minimum and maximum.
 - 1. All newly-platted lots shall have a minimum lot area of not less than ten thousand (10,000) square feet.
 - 2. All newly-platted lots shall have a maximum lot area of not greater than the average area of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-plated lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) existing lots, one of

each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or

- b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lot, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the one (1) existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or
 - c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) closest existing lots to the newly-platted lot(s).
3. If the calculated maximum area is less than the minimum area, replatting is not permitted.
- B. Lot width, minimum and maximum.**
1. All newly-platted lots shall have a minimum width of not less than one hundred (100) feet.
 2. All newly-platted lots shall have a maximum width of not greater than the average of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lot, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the one (1) existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or
 - c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) closest existing lots to the newly-platted lot(s).
 3. For wedge-shaped or other irregularly-shaped lots, width shall be calculated as the average (mean) width of the greatest width of the lot and the least width of the lot.
 4. If the calculated maximum width is less than the minimum width, replatting is not permitted.

Section 400.240 Lot Area Regulations, All Lots.

A. Front Yard Setback Line.

1. Except as provided in **Section 400.070**, there shall be a front yard having a depth of not less than the average of the planes of the two (2) existing main building front façades of the two (2) neighboring lots, one of each located on either side of the lot being built (the “neighboring front façades” as illustrated in **Figure 1**), subject to the following conditions:
 - a. If one (1) or two (2) of the main buildings of the two (2) neighboring lots have a front façade located in two (2) or more planes, the Front Yard depth shall be calculated from the largest of the planes, as measured in linear length.
 - b. On cul-de-sacs, curved streets, and streets where the street centerline is not generally perpendicular to the side lot lines, the Front Yard depth shall be the average of the narrowest point from the property line to the front building façade of the two (2) neighboring properties.
 - c. Where a lot is located at the intersection of two (2) or more streets, a Front Yard shall be provided on the street facing the front façade of the building and a Front Yard shall be provided on the cross street, as follows:
 - i. The Front Yard Setback Line for the front façade of the building shall be calculated as specified in **Subsection (A)(1) and (A)(1)(a)**, except the two (2) lots from which the Front Yard Setback is calculated for the front façade of the building are the planes of the two (2) existing main building façades of the two (2) lots that are closest to the lot being built on the same side of the street (**Figure 2**).
 - ii. The Front Yard Setback Line for the façade of the building facing the cross street shall be the lesser of 25% of the width of the front yard of the lot upon which the front façade of the building is located or the planes of the two (2) existing main building façades of the two (2) lots that are closest to the lot being built on the same side of the street (**Figure 2**). However, if front yard building lines are delineated on a subdivision plat of record, such lines may be the prevailing and required building lines.
 - iii. The Front Yard Setback Line is the minimum distance that the respective front façade is required to be located from the respective front lot line.
 - iv. When a lot to be built on is located such that there is only one (1) neighboring lot on the same side of the street from which to calculate the Front Yard Setback Line, the Front Yard Setback Line shall match the plane of the existing main building façade of the one (1) neighboring lot, plus or minus two (2) feet.

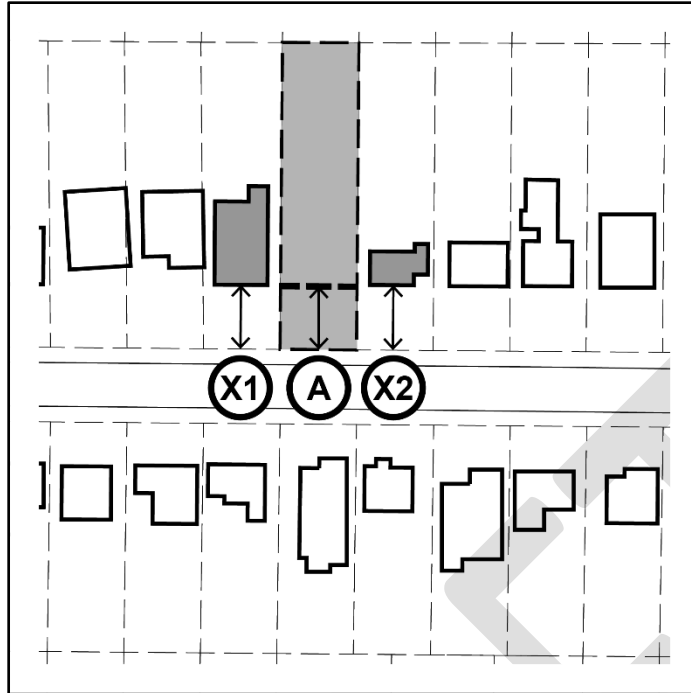


Figure 1: The subject property Front Yard Setback Line (A) is the average of the neighboring building setbacks (X1) and (X2).

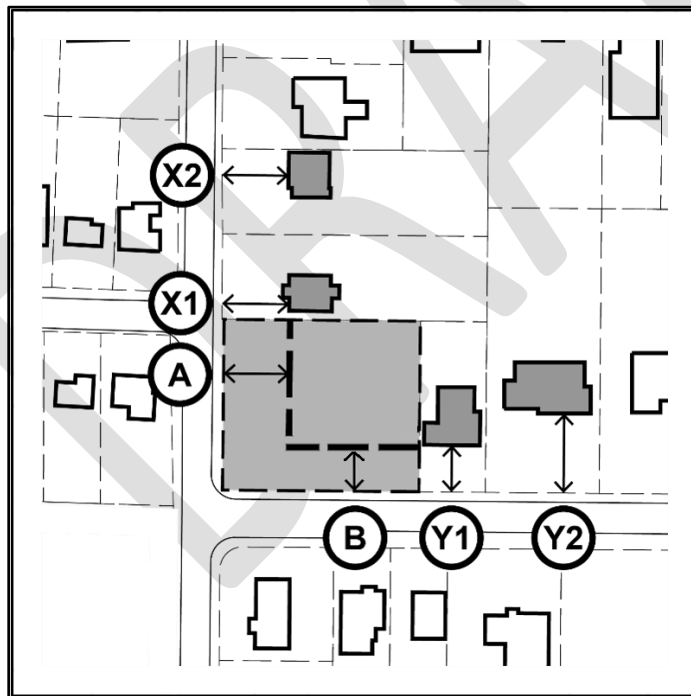


Figure 2: The corner lot subject property first Front Yard Setback Line (A) is the average of the neighboring building setbacks (X1) and (X2); the corner lot subject property cross street Front Yard Setback (B) is 25% of the width of the front yard of the lot upon which the front façade of the building is located, since it is lesser than the average of the neighboring building setbacks (Y1) and (Y2).

- B. Side Yard. Except as provided in **Section 400.070**, there shall be a side yard on each side of the buildings having a width of not less than twelve percent (12%) of the lot width, but in no case shall it be less than ten (10) feet.
- C. Rear Yard. Except as provided in **Section 400.070**, there shall be a rear yard having a depth of not less than thirty (30) feet.
- D. Impervious Surface. No more than fifty-five percent (55%) of the total lot may be covered by impervious material. No more than forty-five percent (45%) of the required front yard may be covered by impervious material.

Section 400.250 Height and Bulk Regulations, All Lots.

- A. Height. On all lots zoned “R-1”, no building shall exceed two and one-half (2 ½) stories, but under no circumstances shall a building exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.
- B. Floor Area Ratio. On all lots zoned “R-1”, the floor area of residential dwellings shall not exceed a floor area ratio (F.A.R.) of 0.30, except when an applicant can demonstrate that the subject property presents unique circumstances and the applicant has taken extraordinary design measures to ensure neighborhood compatibility.

Section 400.260 Non-Conforming Lots of Record.

- A. All lots legally-platted prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, shall be considered conforming lots respective to lot size regulations. Lot size regulations enumerated in **Section 400.230** shall apply only to lots platted after {Insert Date of Adoption of this Ordinance}.
- B. All lots legally developed prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, and whose building(s) or structure(s) do not conform to any or all of: (1) the Use Regulations enumerated in **Section 400.210**; (2) the Lot Area Regulations enumerated in **Section 400.240**; or (3) Height and Bulk Regulations enumerated in **Section 400.250**; shall hereby be classified as Non-Conforming Lots of Record. Use(s), building(s), or structure(s) of Non-Conforming Lots of Record are permitted, subject to the following:
 - 1. Existing non-conforming uses on Non-Conforming Lots of Record may continue, provided that the use is continuous and does not lapse for a period of greater than thirty (30) days. In the event that a non-conforming use lapses for a period of greater than thirty (30) days, the non-conforming will no longer be permitted to continue.
 - 2. Existing non-conforming building(s) or structure(s) on Non-Conforming Lots of Record are permitted, subject to the following:
 - a. All interior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.

- b. Exterior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
- c. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by not greater than fifty percent (50%) of the existing building drip line area or that enlarge the total building floor area by not greater than fifty percent (50%) of the existing building floor area are permitted to continue the non-conformance, provided that such modifications, renovations, additions, or other improvements do not increase the non-conformance.

(For example, if an existing building does not conform to the side yard regulation because it encroaches three (3) feet into the required Side Yard area, a new addition could be constructed that also encroaches three (3) feet into the Side Yard area, as such an addition would continue the non-conformance, but not increase the non-conformance. However, said new addition could not encroach more than three (3) feet into the required Side Yard area, nor could it encroach into the Rear Yard area or beyond the Front Yard Setback Line, as these conditions would increase the existing non-conformance.)

Notwithstanding, all exterior modification, additions, or other improvements to non-conforming building(s) or structure(s) that continue the non-conformance are subject to review and approval by the Architectural Review Board (ARB).

- d. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by fifty-one percent (51%) or greater of the existing building drip line area or that enlarge the total building floor area by fifty-one percent (51%) or greater of the existing building floor area shall be required to conform with all regulations of the Lot Area Regulations enumerated in **Section 400.240**; or the Height and Bulk Regulations enumerated in **Section 400.250**.
3. In the event that existing non-conforming building(s) or structure(s) are lost to structural damage, fire, natural disaster, or other calamity, the existing non-conforming building(s) or structure(s) may be rebuilt to the existing non-conformance, but may not increase the non-conformance.

Section 400.270 Parking Regulations.

Off-street parking spaces in an “R-1” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article III “R-2” Residential

Section 400.310 Use Regulations, All Lots.

- A. Permitted Uses. Permitted uses for property in the "R-2" District shall be as follows: any permitted use in the “R-1” District.
- B. Conditional Uses. Conditional uses for property in the "R-1" District shall be as follows: any conditional use in the “R-1” District.

Section 400.320 Lot Size Regulations, Lots of Record.

As platted; no additional lot size regulations are applied to Lots of Record.

Section 400.330 Lot Size Regulations, Newly-Platted Lots.

- A. Lot area, minimum and maximum.
 - 1. All newly-platted lots shall have a minimum lot area of not less than ten thousand (10,000) square feet.
 - 2. All newly-platted lots shall have a maximum lot area of not greater than the average area of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lots , the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the one (1) existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or
 - c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots , the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) closest existing lots to the newly platted lot(s).
 - 3. If the calculated maximum area is less than the minimum area, replatting is not permitted.
- B. Lot width, minimum and maximum.
 - 1. All newly-platted lots shall have a minimum width of not less than eighty-five (85) feet.

2. All newly-platted lots shall have a maximum width of not greater than the average of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lots , the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the one (1) existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or
 - c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots , the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) closest existing lots to the newly platted lot(s).
3. For wedge-shaped or other irregularly-shaped lots, width shall be calculated as the average (mean) width of the greatest width of the lot and the least width of the lot.
4. If the calculated maximum width is less that the minimum width, replatting is not permitted.

Section 400.340 Lot Area Regulations, All Lots.

The Front Yard, Front Yard Setback Line, Side Yard, Rear Yard and Impervious Surface for all lots in the “R-2” district shall be as defined in Section 400.240.

Section 400.350 Height and Bulk Regulations, All Lots.

- A. Height. On all lots zoned “R-2”, no building shall exceed two and one-half (2 ½) stories, but under no circumstances shall a building exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.
- B. Floor Area Ratio. On all lots zoned “R-2”, the floor area of residential dwellings shall not exceed a floor area ratio (F.A.R.) of 0.30, except when an applicant can demonstrate that the subject property presents unique circumstances and the applicant has taken extraordinary design measures to ensure neighborhood compatibility.

Section 400.360 Non-Conforming Lots of Record.

- A. All lots legally-platted prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, shall

be considered conforming lots respective to lot size regulations. Lot size regulations enumerated in **Section 400.330** shall apply only to lots platted after **{Insert Date of Adoption of this Ordinance}**.

- B. All lots legally developed prior to adoption of these Zoning Regulations by Ordinance **{Insert Ordinance Number}** on **{Insert Date of Adoption of this Ordinance}**, otherwise known as Lots of Record, and whose building(s) and structure(s) do not conform to any or all of: (1) the Use Regulations enumerated in **Section 400.310**; (2) the Lot Area Regulations enumerated in **Section 400.340**; or (3) Height and Bulk Regulations enumerated in **Section 400.350**; shall hereby be classified as Non-Conforming Lots of Record. Use(s), building(s), or structure(s) of Non-Conforming Lots of Record are permitted, subject to the following:
1. Existing non-conforming uses on Non-Conforming Lots of Record may continue, provided that the use is continuous and does not lapse for a period of thirty (30) days or less. In the event that a non-conforming use lapses for a period of greater than thirty (30) days, the non-conforming will no longer be permitted to continue.
 2. Existing non-conforming building(s) or structure(s) on Non-Conforming Lots of Record are permitted, subject to the following:
 - a. All interior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
 - b. Exterior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
 - c. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by not greater than fifty percent (50%) of the existing building drip line area or that enlarge the total building floor area by not greater than fifty percent (50%) of the existing building floor area are permitted, provided that such modifications, renovations, additions, or other improvements to not increase the non-conformance.

(For example, if an existing building does not conform to the side yard regulation because it encroaches three (3) feet into the required Side Yard area, a new addition could be constructed that also encroaches three (3) feet into the Side Yard area, as such an addition would continue the non-conformance, but not increase the non-conformance. However, said new addition could not encroach more than three (3) feet into the required Side Yard area, nor could it encroach into the Rear Yard area or beyond the Front Yard Setback Line, as these conditions would increase the existing non-conformance.)
 - d. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by fifty-one percent (51%) or greater of the existing building drip line area or that enlarge the total building floor area by fifty-one percent (51%) or greater of the existing building floor area shall be required to conform with all regulations of the Lot Area

Regulations enumerated in **Section 400.340**; or (3) Height and Bulk Regulations enumerated in **Section 400.350**.

3. In the event that existing non-conforming building(s) or structure(s) are lost to structural damage, fire, natural disaster, or other calamity, the existing non-conforming building(s) or structure(s) may be rebuilt to the existing non-conformance, but may not increase the non-conformance.

Section 400.370 Parking Regulations.

Off-street parking spaces in an “R-2” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article IV “R-3” Residential

Section 400.410 Use Regulations, All Lots.

- A. Permitted Uses. Permitted uses for property in the "R-2" District shall be as follows: any permitted use in the “R-1” District.
- B. Conditional Uses. Conditional uses for property in the "R-1" District shall be as follows: any conditional use in the “R-1” District.

Section 400.420 Lot Size Regulations, Lots of Record.

As platted; no additional lot size regulations are applied to Lots of Record.

Section 400.430 Lot Size Regulations, Newly-Platted Lots.

- A. Lot area, minimum and maximum.
 1. All newly-platted lots shall have a minimum lot area of not less than seven thousand (7,000) square feet.
 2. All newly-platted lots shall have a maximum lot area of not greater than the average area of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lots, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the one (1)

existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or

- c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) closest existing lots to the newly platted lot(s).

3. If the calculated maximum area is less than the minimum area, replatting is not permitted.

B. Lot width, minimum and maximum.

1. All newly-platted lots shall have a minimum width of not less than fifty (50) feet.
2. All newly-platted lots shall have a maximum width of not greater than the average of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lots, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the one (1) existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or
 - c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) closest existing lots to the newly platted lot(s).
3. For wedge-shaped or other irregularly-shaped lots, width shall be calculated as the average (mean) width of the greatest width of the lot and the least width of the lot.
4. If the calculated maximum width is less than the minimum width, replatting is not permitted.

Section 400.440 Lot Area Regulations, All Lots.

- A. The Front Yard, Front Yard Setback Line, Rear Yard and Impervious Surface for all lots in the “R-3” district shall be as defined in Section 400.240.

- B. Side Yard. Except as provided in **Section 400.070**, there shall be a side yard on each side of the buildings having a width of not less than ten percent (10%) of the lot width, but in no case shall be less than six (6) feet.

Section 400.450 Height and Bulk Regulations, All Lots.

- A. Height. On all lots zoned “R-3”, no building shall exceed two and one-half (2 ½) stories, but under no circumstances shall a building exceed thirty (30) feet in height, except as provided in **Section 400.070**.
- B. Floor Area Ratio. On all lots zoned “R-3”, the floor area of residential dwellings shall not exceed a floor area ratio (F.A.R.) of 0.30, except when an applicant can demonstrate that the subject property presents unique circumstances and the applicant has taken extraordinary design measures to ensure neighborhood compatibility.

Section 400.460 Non-Conforming Lots of Record.

- A. All lots legally-platted prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, shall be considered conforming lots respective to lot size regulations. Lot size regulations enumerated in **Section 400.430** shall apply only to lots platted after {Insert Date of Adoption of this Ordinance}.
- B. All lots legally developed prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, and whose building(s) or structure(s) do not conform to any or all of: (1) the Use Regulations enumerated in **Section 400.410**; (2) the Lot Area Regulations enumerated in **Section 400.440**; or (3) Height and Bulk Regulations enumerated in **Section 400.450**; shall hereby be classified as Non-Conforming Lots of Record. Use(s), building(s), or structure(s) of Non-Conforming Lots of Record are permitted, subject to the following:
1. Existing non-conforming uses on Non-Conforming Lots of Record may continue, provided that the use is continuous and does not lapse for a period of thirty (30) days or less. In the event that a non-conforming use lapses for a period of greater than thirty (30) days, the non-conforming will no longer be permitted to continue.
 2. Existing non-conforming building(s) or structure(s) on Non-Conforming Lots of Record are permitted, subject to the following:
 - a. All interior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
 - b. Exterior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
 - c. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by not greater than fifty percent (50%) of the existing building drip line area or that enlarge

the total building floor area by not greater than fifty percent (50%) of the existing building floor area are permitted, provided that such modifications, renovations, additions, or other improvements to not increase the non-conformance.

(For example, if an existing building does not conform to the side yard regulation because it encroaches three (3) feet into the required Side Yard area, a new addition could be constructed that also encroaches three (3) feet into the Side Yard area, as such an addition would continue the non-conformance, but not increase the non-conformance. However, said new addition could not encroach more than three (3) feet into the required Side Yard area, nor could it encroach into the Rear Yard area or beyond the Front Yard Setback Line, as these conditions would increase the existing non-conformance.)

- d. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by fifty-one percent (51%) or greater of the existing building drip line area or that enlarge the total building floor area by fifty-one percent (51%) or greater of the existing building floor area shall be required to conform with all regulations of the Lot Area Regulations enumerated in **Section 400.440**; or (3) Height and Bulk Regulations enumerated in **Section 400.450**.
3. In the event that existing non-conforming building(s) or structure(s) are lost to structural damage, fire, natural disaster, or other calamity, the existing non-conforming building(s) or structure(s) may be rebuilt to the existing non-conformance, but may not increase the non-conformance.

Section 400.470 Parking Regulations.

Off-street parking spaces in an “R-3” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article V “R-4” Residential

Section 400.510 Use Regulations, All Lots.

- A. Permitted Uses. Permitted uses for property in the "R-2" District shall be as follows: any permitted use in the “R-1” District.
- B. Conditional Uses. Conditional uses for property in the "R-1" District shall be as follows: any conditional use in the “R-1” District.

Section 400.520 Lot Size Regulations, Lots of Record.

As platted; no additional lot size regulations are applied to Lots of Record.

Section 400.530 Lot Size Regulations, Newly-Platted Lots.

A. Lot area, minimum and maximum.

1. All newly-platted lots shall have a minimum lot area of not less than six thousand five hundred (6,500) square feet.
2. All newly-platted lots shall have a maximum lot area of not greater than the average area of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lots , the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the one (1) existing lot with a lot line conterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or
 - c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots , the newly-platted lot shall have a maximum lot area of not greater than one hundred twenty-five percent (125%) of the average area of the two (2) closest existing lots to the newly platted lot(s).
3. If the calculated maximum area is less that the minimum area, replatting is not permitted.

B. Lot width, minimum and maximum.

1. All newly-platted lots shall have a minimum width of not less than fifty (50) feet.
2. All newly-platted lots shall have a maximum width of not greater than the average of the two (2) existing lots, one of each located on either side of the new lot(s), except:
 - a. If the newly-platted lot is located at the intersection of two (2) or more streets, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) existing lots, one of each with a lot line conterminous with a rear or side lot line of the newly-platted lot(s); or
 - b. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot has only one (1) side or rear lot line coterminous with one (1) neighboring lots , the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the one (1)

existing lot with a lot line coterminous with a rear or side lot line of the new lot(s) plus the one (1) other closest existing lot to the newly-platted lot; or

- c. If the newly-platted lot is located at the intersection of two (2) or more streets and the newly-platted lot does not have a side or rear lot line coterminous with two (2) neighboring lots, the newly-platted lot shall have a maximum width of not greater than one hundred twenty-five percent (125%) of the average width of the two (2) closest existing lots to the newly platted lot(s).
3. For wedge-shaped or other irregularly-shaped lots, width shall be calculated as the average (mean) width of the greatest width of the lot and the least width of the lot.
4. If the calculated maximum width is less than the minimum width, replatting is not permitted.

Section 400.540 Lot Area Regulations, All Lots.

- A. The Front Yard, Front Yard Setback Line, Rear Yard and Impervious Surface for all lots in the “R-4” district shall be as defined in Section 400.240.
- B. Side Yard. Except as provided in **Section 400.070**, there shall be a side yard on each side of the buildings having a width of not less than ten percent (10%) of the lot width, but in no case shall be less than six (6) feet.

Section 400.550 Height and Bulk Regulations, All Lots.

- A. Height. On all lots zoned “R-4”, no building shall exceed two and one-half (2 ½) stories, but under no circumstances shall a building exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.
- B. Floor Area Ratio. On all lots zoned “R-4”, the floor area of residential dwellings shall not exceed a floor area ratio (F.A.R.) of 0.30, except when an applicant can demonstrate that the subject property presents unique circumstances and the applicant has taken extraordinary design measures to ensure neighborhood compatibility.

Section 400.560 Non-Conforming Lots of Record.

- A. All lots legally-platted prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, shall be considered conforming lots respective to lot size regulations. Lot size regulations enumerated in **Section 400.530** shall apply only to lots platted after {Insert Date of Adoption of this Ordinance}.
- B. All lots legally developed prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, and whose building(s) and structure(s) do not conform to any or all of: (1) the Use Regulations enumerated in **Section 400.510**; (2) the Lot Area Regulations enumerated in **Section 400.540**; or (3) Height and Bulk Regulations enumerated in **Section 400.550**; shall hereby be classified as Non-Conforming Lots of Record. Use(s), building(s), and structure(s) of Non-Conforming Lots of Record are permitted, subject to the following:

1. Existing non-conforming uses on Non-Conforming Lots of Record may continue, provided that the use is continuous and does not lapse for a period of thirty (30) days or less. In the event that a non-conforming use lapses for a period of greater than thirty (30) days, the non-conforming will no longer be permitted to continue.
2. Existing non-conforming building(s) or structure(s) on Non-Conforming Lots of Record are permitted, subject to the following:
 - a. All interior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
 - b. Exterior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
 - c. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by not greater than fifty percent (50%) of the existing building drip line area or that enlarge the total building floor area by not greater than fifty percent (50%) of the existing building floor area are permitted, provided that such modifications, renovations, additions, or other improvements to not increase the non-conformance.

(For example, if an existing building does not conform to the side yard regulation because it encroaches three (3) feet into the required Side Yard area, a new addition could be constructed that also encroaches three (3) feet into the Side Yard area, as such an addition would continue the non-conformance, but not increase the non-conformance. However, said new addition could not encroach more than three (3) feet into the required Side Yard area, nor could it encroach into the Rear Yard area or beyond the Front Yard Setback Line, as these conditions would increase the existing non-conformance.)
 - d. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by fifty-one percent (51%) or greater of the existing building drip line area or that enlarge the total building floor area by fifty-one percent (51%) or greater of the existing building floor area shall be required to conform with all regulations of the Lot Area Regulations enumerated in **Section 400.540**; or (3) Height and Bulk Regulations enumerated in **Section 400.550**.
3. In the event that existing non-conforming building(s) or structure(s) are lost to structural damage, fire, natural disaster, or other calamity, the existing non-conforming building(s) or structure(s) may be rebuilt to the existing non-conformance, but may not increase the non-conformance.

Section 400.570 Parking Regulations.

Off-street parking spaces in an “R-5” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article VI “R-5” Multi-Family Residential

Section 400.610 Location

[R.O. 2010 §400.220; CC 1970 §33-21.11; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

- A. Existing “R-3” Multiple Family and Condominium Dwelling District immediately prior to the adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance} is hereby reclassified as “R-5” Multi-Family Residential Dwelling District.
- B. Any new "R-5" Multi-Family Residential Dwelling District may be created only where the property in question has a common property line with an already existing "R-5" District or a "C-1", or "C-2" district of not less than two hundred (200) feet in length. The regulations contained in this Article are the district regulations for such "R-5" Multi-Family Residential Dwelling District. These regulations are supplemented and qualified by additional general regulations contained elsewhere in this Chapter and are made a part of this Article by reference.

Section 400.620 Permitted and Conditional Uses.

[R.O. 2010 §400.230; CC 1970 §33-21.12; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

- A. Permitted uses for property in the "R-5" District shall be as follows:
 1. Multiple-family or condominium dwellings, including apartment buildings, town houses, row houses, single-family attached and other types of multiple-family dwellings that are conventional-built buildings or structures.
 2. Parking areas, garages or carports used only for housing or storing motor vehicles owned or leased by the residents of the premises or temporary parking for their guest.
 3. Parks, playgrounds and recreation areas for use by the residents and guests of such dwellings .
 4. Accessory buildings for the sole purpose of use of or benefit to the residents of such dwellings.
- B. Conditional uses for property in the “R-5” District, upon the approval of a conditional use permit, shall be as follows:
 1. Administrative, service, or community buildings operated by a public agency, including public schools, not located within a “CVO” Civic Overlay.

2. Private schools, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools, not located within a “CVO” Civic Overlay.
3. Churches, temples, and other places of worship or religious institutions, not located within a “CVO” Civic Overlay.
4. Nursery, pre-kindergarten, kindergarten, play, and special schools when conducted by religious institutions as an ancillary service, not located within a “CVO” Civic Overlay.
5. Public utility or public service facilities, not located within a “CVO” Civic Overlay.
6. Clubs and semi-public buildings.
7. Freestanding, mast-type antennas or towers and all antennas and support structures used for the transmission of signals, subject to the regulations of **Section 400.1260**.
8. Parabolic television receive-only antennas or other antennas, towers, or similar structures, subject to the regulations of **Section 400.1260**.
9. Signs and bulletin boards incidental to the above uses, which may not exceed ten (10) square feet, not located within a “CVO” Civic Overlay or “RCO” Recreation Overlay.
10. Any extension or alteration of existing uses previously authorized by this Article, which may be classified as “additional uses”, “special uses”, or “conditional uses”.

Section 400.630 Height Restrictions.

[R.O. 2010 §400.240; CC 1970 §33-21.13; Ord. No. 22-79 §1, 12-4-1979; Ord. No. 02-06 §3, 2-20-2006; {Add new ordinance reference}]

No building in an "R-5" District shall exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.

Section 400.640 Area Regulations.

[R.O. 2010 §400.250; CC 1970 §33-21.14; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

- A. Minimum distances between residential buildings or accessory buildings and outboundary lines common with "R-1", "R-2", "R-3", or "R-4" Districts shall be twenty-one (21) feet and minimum distances between residential buildings or accessory buildings and all other outboundary lines shall be ten (10) feet. The minimum distance between residential or accessory buildings and public rights-of-way shall be thirty (30) feet and between main ingress-egress driveways shall be ten (10) feet. The minimum distance between residential buildings or between residential buildings and accessory buildings shall be ten (10) feet. Greenbelts or planting areas of not less than ten (10) feet in width shall be maintained on all outboundary lines common with "R-1", "R-2", "R-3", or "R-4" Districts.
- B. Average ground area per family unit exclusive of public streets and easements set aside for open channel drainage shall not be less than three thousand six hundred thirty (3,630) square feet, which equates to twelve (12) units per acre.

- C. The living space per unit shall not be less than eight hundred (800) square feet for one (1) bedroom units, nine hundred fifty (950) square feet for two (2) bedroom units and one thousand one hundred (1,100) square feet for three (3) bedroom units. No existing single-family structures shall be converted from single-family use to multiple-family use.
- D. No structure shall house or have provision for more than four (4) units.
- E. No garages, carports or parking spaces shall be closer than ten (10) feet to any outboundary lines.
- F. In "R-5" Districts, garages or carports may be constructed for storage of more than four (4) motor vehicles.

Section 400.650 Driveways.

[R.O. 2010 §400.260; CC 1970 §33-21.15; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

- A. Main ingress-egress driveways shall be a minimum of twenty-four (24) feet in width. A main ingress-egress driveway is the means of access from driveways or parking spaces serving an aggregate total of thirty-two (32) or more spaces to the roadway system. Ingress-egress drives serving ten (10) to thirty-one (31) spaces or greater than sixty (60) feet in length from the main ingress-egress drive to the spaces shall be a minimum of eighteen (18) feet in width. All other driveways, including those providing one-way traffic, shall be a minimum of twelve (12) feet in width. A cul-de-sac having a minimum radius of thirty-eight (38) feet may be required if, in the judgment of the Plan Commission or Board of Aldermen, such requirement would be in the best interest of the City in the provision of fire and police protection or snow removal.
- B. All driveways shall have curbs (main ingress-egress drives shall have concrete curbs) and shall be constructed of not less than six (6) inches of concrete on seven (7) inches of compacted stone base, plus two (2) inches of asphaltic concrete surface or five (5) inches of type "X" asphaltic concrete base, plus two (2) inches of asphaltic concrete surface. Curbs, except at direct access points to garages or carports attached to and a part of the main building may not be closer than two (2) feet to a residential building.

Section 400.660 Parking Regulations.

[R.O. 2010 §400.270; CC 1970 §33-21.16; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

- A. Parking spaces shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410** and as contained herein.
 - 1. At least fifty percent (50%) of the required spaces shall be under cover and enclosed on at least one (1) side. Open parking spaces shall be a minimum of ten (10) feet from residential buildings.
 - 2. All parking spaces shall be arranged or constructed such that vehicles can turn around within the parking lot area and enter the main ingress-egress driveways, whether public or private, in such a manner as to completely eliminate backing into the main ingress-egress drives.

3. No permanent parking spaces shall be provided on or adjacent to main ingress-egress drives as a part of the basic number required for the units in the project.

Section 400.670 Refuse Disposal.

[R.O. 2010 §400.280; CC 1970 §33-21.17; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

Accessible, adequate provision for disposal and pick up of refuse, enclosed and screened from view from the public right-of-way and from the dwelling units, shall be provided.

Section 400.680 Landscaping.

[R.O. 2010 §400.290; CC 1970 §33-21.18; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

All unpaved areas (particularly those areas set aside for screening of adjoining "R-1", "R-2", "R-3", or "R-4" residential areas) shall be landscaped, including at least one (1) tree, either planted or retained, for each three thousand five hundred (3,500) square feet of total project area. Reasonable additional requirements as to fencing, screening of recreation areas, accessways, lighting and other required improvements may be imposed by the Plan Commission or Board of Aldermen for the protection of adjoining residential property owners.

Section 400.690 Procedures.

[R.O. 2010 §400.300; CC 1970 §33-21.19; Ord. No. 22-79 §1, 12-4-1979; {Add new ordinance reference}]

- A. "R-5" Multi-Family Residential Dwelling District is a district providing for modern residential areas of proper design and in appropriate locations. Developments within the R-5 District shall be laid out and developed as a unit according to approved preliminary and final development plans as provided herein.
 1. Within six months prior to filing any application for approval of a preliminary development plan for a multiple family residential development, the prospective applicant may request a pre-application conference with the City Administrator and City staff. At this meeting the applicant shall provide general information on the proposed development, including the site location, existing site conditions and a sketch plan of the proposed planned development. The City Administrator shall provide the applicant an evaluation of the sketch plan with respect to its compliance with the intent of the R-5 development regulations. This conference is intended to ensure conformity with the intent of the R-5 zoning district and conformity with other city ordinances and requirements.
 2. A preliminary plan showing information as set forth in **Section 400.1220, Subsection (A)**, shall be submitted to the Plan Commission for study and the Plan Commission shall make such recommendations as it deems necessary and report to the Board of Aldermen either approving or rejecting such preliminary plan within forty-five (45) days of submission. If no report is transmitted within forty-five (45) days, the Board of Aldermen may take action without such report.
 3. Following review by the Plan Commission, the preliminary plan shall be submitted to the Board of Aldermen for its consideration and approved, rejected or amended to meet

requirements set forth herein. The Board of Aldermen, before its approval, rejection or amendment of the preliminary development plan, shall conduct a public hearing concerning the same, according to the requirements set forth in **Section 400.120**.

4. Provided the preliminary plan is approved by the Board of Aldermen, a final plan showing items as set forth in **Section 400.1220, Subsection (C)(1 - 6, 8 - 13)**, together with all required procedures for the maintenance of common ground and stormwater infrastructure to be imposed upon the property shall be submitted to the Plan Commission for study and the Plan Commission shall make such recommendations as it deems necessary and report to the Board of Aldermen either approving or rejecting such final development plan within sixty (60) days of submission. If no report is transmitted within sixty (60) days, the Board of Aldermen may take action without such report.
5. The final development plan and restrictive covenants together with the report of the Plan Commission shall be submitted to the Board of Aldermen for its consideration. The Board of Aldermen, before its approval, rejection or amendment of the final development plan, shall conduct a public hearing concerning the same, according to the requirements set forth in **Section 400.120**.
6. After such hearing, the Board of Aldermen shall determine whether such use will:
 - a. Substantially increase traffic hazards or congestion.
 - b. Substantially increase fire hazards.
 - c. Create a nuisance, or undue noise, smoke, light, dirt or conditions that adversely affect the character of the neighborhood or affect the value and enjoyment of the adjacent residential district.
 - d. Adversely affect the general welfare of the community.
 - e. Overtax public utilities.
7. If the Board's findings are in the negative as to all of the above factors, all other requirements set out hereinabove have been met, and it finds that such use as planned such that its future operation will not violate any of the terms and conditions herein set out, the application shall be granted.
8. A copy of the approved final development plan shall then be submitted along with all plans for all proposed and required improvements, driveways, parking areas and landscaping together with applications for building permits.
9. Upon approval of the final development plan, building permits shall be issued for the development of such property in accordance with plans and specifications, including plans for all proposed and required improvements, including location, landscaping, driveways and parking, that shall be approved by the Board of Aldermen; and such permit shall not allow any deviation from such plans and specifications without further approval by action of the Board of Aldermen.

10. If the Board of Aldermen approve the final plans, permits for the construction of buildings and required improvements shall be issued upon completion thereof, certificates of occupancy may be issued if such buildings and required improvements conform to the approved plans or amendments to such plans.

Article VII “C-1” Neighborhood Commercial

Section 400.710 Use Regulations, All Lots.

- A. Purpose. This district represents those areas of the city in which principal use is local retail, service and restricted repair business activities, which serve on a comparatively small scale, the needs of surrounding residential neighborhoods. Certain uses which would function more effectively in locations appropriate for a variety of commercial and service activities have been excluded.
- B. Permitted uses for property in the "C-1" District shall be as follows:
 1. Bakery whose products are sold at retail on the premises.
 2. Barbershop.
 3. Beauty parlor.
 4. Business or professional office or clinic.
 5. Coffee shop.
 6. Delicatessen.
 7. Florist shop.
 8. Ice cream parlor/malt shop.
 9. Photographer's or artist's studio.
 10. Shoe repair shop.
 11. Store for the conduct of selling products in a retail business within a store building except for the following which are prohibited:
 - a. Liquor stores.
 - b. Places conducted for the purpose of the sale of intoxicating liquors and beverages by the drink.
 - c. Auto sales agencies.
 - d. Gasoline and oil sales agencies and filling stations.
 - e. Drive-in restaurants, or any drive-in establishment selling food or drink products. Note that restaurants that are not drive-in restaurants are a potential conditional use in the “C-1” District.

- f. Marijuana dispensaries.
12. Tailor shop.
- C. Conditional uses for property in the “C-1” District, upon the approval of a conditional use permit, shall be as follows:
- 1. Amphitheater and auditoriums, lecture halls.
 - 2. Art galleries, museums, including sales and service.
 - 3. Day care facility.
 - 4. Furniture repair, refinishing, reupholstery.
 - 5. Health and exercise facilities.
 - 6. Landscape nursery for growing plants, trees, shrubs, including sales of nursery stock and garden supplies.
 - 7. Veterinarian clinic, pet grooming facility, or pet supply stores, provided that all workrooms, pens and kennels be maintained in a completely enclosed, soundproof building. Conditions shall be imposed to protect adjoining land uses for potential noise and odor.
 - 8. Public parking lots and garages, but excluding self-storage lots for motor vehicles, recreational vehicles, boats and trailers.
 - 9. Restaurant without a drive-thru facility.
 - 10. Theater for live performances or motion pictures.
- D. No property within the “C-1” District shall be used for any commercial use other than those identified as permitted or conditional uses in this Section.
- E. No use of any building shall be changed to any other permitted use in this zone unless all requirements as to the parking area for such proposed use are complied with to the extent parking space is available.
- F. Incidental Commercial Use. Any commercial building in a “C-1” District used primarily for any of the above enumerated purposes may have not more than forty percent (40%) of the floor area devoted to storage purposes incidental to such primary use; provided, that not more than five (5) employees shall be engaged at any time on the premises in any such incidental use.

Section 400.720 Lot Size Regulations, Lots of Record.

As platted; no additional lot size regulations are applied to Lots of Record.

Section 400.730 Lot Size Regulations, Newly-Platted Lots.

- A. Lot area, minimum. All newly-platted lots shall have a minimum lot area of not less than seven thousand five hundred (7,500) square feet.
- B. Lot width, minimum.

1. All newly-platted lots shall have a minimum width of not less than eighty (80) feet, with frontage on Sappington Road only.
2. For wedge-shaped or other irregularly-shaped lots, width shall be calculated as the average (mean) width of the greatest width of the lot and the least width of the lot.

Section 400.740 Lot Area Regulations, All Lots.

A. Front Yard Build-to Line, minimum and maximum.

1. The front building façade in a “C-1” District shall be located at a minimum of zero (0) feet from the lot line with frontage on Sappington Road.
2. The front building façade in a “C-1” District shall be located at a maximum of thirty (30) feet from the lot line with frontage on Sappington Road.
3. Unenclosed, non-structural building elements, including awnings, marquees, building signage, and other similar elements may project not more than four (4) feet beyond the lot line with frontage on Sappington Road, thereby encroaching into the public right-of-way, provided they do not encroach on any street.

B. Side Yard. There shall be a side yard on each side of each building in a “C-1” District having a width of not less than ten (10) feet at all points, subject to the following:

1. If the side lot line abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be erected either a wall or fence along the lot line abutting the residential district, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than six (6) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

C. Rear Yard. There shall be a rear yard for all properties in the “C-1” District having a depth of not less than twenty-five (25) feet at all points, subject to the following:

1. If the rear lot line abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be erected either a wall or fence along the lot line abutting the residential district, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than ten (10) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

D. Impervious Surface.

1. No more than eighty-five percent (85%) of the total lot may be covered by impervious material.

2. Up to one hundred percent (100%) of the required front yard may be covered by impervious material if the front yard depth is ten (10) feet or less.
3. No more than eighty-five percent (85%) of the required front yard may be covered by impervious material if the front yard depth is greater than ten (10) feet.

Section 400.750 Height and Bulk Regulations, All Lots.

On all lots zoned “C-1”, no building shall exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.

Section 400.760 Non-Conforming Lots of Record.

- A. All lots legally-platted prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, shall be considered conforming lots respective to lot size regulations. Lot size regulations enumerated in **Section 400.730** shall apply only to lots platted after {Insert Date of Adoption of this Ordinance}.
- B. All lots legally developed prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, otherwise known as Lots of Record, and whose building(s) and structure(s) do not conform to any or all of: (1) the Use Regulations enumerated in **Section 400.710**; (2) the Lot Area Regulations enumerated in **Section 400.740**; or (3) Height and Bulk Regulations enumerated in **Section 400.750**; shall hereby be classified as Non-Conforming Lots of Record. Use(s), building(s), or structure(s) of Non-Conforming Lots of Record are permitted, subject to the following:
 1. Existing non-conforming uses on Non-Conforming Lots of Record may continue, subject to the following:
 - a. The use is continuous and does not lapse for a period of thirty (30) days or less. In the event that a non-conforming use lapses for a period of greater than thirty (30) days, the non-conforming will no longer be permitted to continue.
 - b. The use is authorized by an existing, non-transferable business license, issued prior to adoption of these Zoning Regulations by Ordinance {Insert Ordinance Number} on {Insert Date of Adoption of this Ordinance}, as set forth in **Section 605.020, Subsections (A – B) and Section 605.040**. In the event that a new business license, as opposed to renewal of an existing business license, is required, the non-conforming use will no longer be permitted to continue.
 2. Existing non-conforming building(s) and structure(s) on Non-Conforming Lots of Record are permitted, subject to the following:
 - a. All interior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.

- b. Exterior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
- c. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by not greater than fifty percent (50%) of the existing building drip line area or that enlarge the total building floor area by not greater than fifty percent (50%) of the existing building floor area are permitted, provided that such modifications, renovations, additions, or other improvements to not increase the non-conformance.

(For example, if an existing building does not conform to the side yard regulation because it encroaches three (3) feet into the required Side Yard area, a new addition could be constructed that also encroaches three (3) feet into the Side Yard area, as such an addition would continue the non-conformance, but not increase the non-conformance. However, said new addition could not encroach more than three (3) feet into the required Side Yard area, nor could it encroach into the Rear Yard area or beyond the Front Yard Build-to Line, as these conditions would increase the existing non-conformance.)

- d. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by fifty-one percent (51%) or greater of the existing building drip line area or that enlarge the total building floor area by fifty-one percent (51%) or greater of the existing building floor area shall be required to conform with all regulations of the Lot Area Regulations enumerated in **Section 400.740**; or (3) Height and Bulk Regulations enumerated in **Section 400.750**.
3. In the event that existing non-conforming building(s) or structure(s) are lost to structural damage, fire, natural disaster, or other calamity, the existing non-conforming building(s) or structure(s) may be rebuilt to the existing non-conformance, but may not increase the non-conformance.

Section 400.770 Parking Regulations.

Off-street parking spaces in an “C-1” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article VIII “C-2” Corridor Mixed-Use

Section 400.810 Use Regulations, All Lots.

- A. Purpose. This district represents those areas of the city in which principal use is general retail, service and repair business activities which serve the entire city and the surrounding area. This district provides standards for development businesses catering to the general public generally along secondary thoroughfares where a general mixture of commercial service activities now exist

but not characterized by warehousing, heavy truck traffic, open storage of material or the nuisance factors associated with more intense uses.

B. Permitted uses for property in the "C-2" District shall be as follows:

1. All uses permitted in **Section 400.710, Subsection(B) and Subsection (C)** of the "C-1" Commercial District.
2. Bank or credit union, including drive-thru facilities.
3. Restaurant or snack bar.
4. Store for the conduct of selling products in a retail business within a store building, except for the following which are prohibited:
 - a. Liquor stores.
 - b. Places conducted for the purpose of the sale of intoxicating liquors and beverages by the drink.
 - c. Auto sales agencies, except as provided in **Subsection (C)**.
5. A gasoline or oil sales and service station provided that all products for sale on such premises, with the exception of gasoline and oil, will be contained within a building and will not be located outside of the building. Service or minor repairs of automobiles may be performed in such establishments; provided, that such service and repair is ancillary to the sale of gasoline and is performed entirely inside a building.
6. An establishment for the furnishing of service to passenger vehicles and trucks not in excess of one (1) ton, which service will be limited to light service such as tuning the engine, oil changes and diagnostic service on such vehicle; provided, that such service is performed entirely inside a building.

C. Conditional uses for property in the "C-2" District, upon the approval of a conditional use permit, shall be as follows:

1. Operation of a new car dealership by a new car agency enfranchised by the manufacturer of such cars, and in conjunction therewith a repair garage, body and paint shop and an outdoor new and used car sales and display lot; provided, that such used car business is owned and operated by the enfranchised new car dealer and not otherwise.
2. Multiple-family dwelling units. Group homes or foster homes are not permitted in the "C-2" District
3. An establishment for the sale or furnishing of service at retail where such service is performed inside a building in the district and which service does not:
 - a. Create a nuisance.
 - b. Cause excessive noise.
 - c. Cause offensive or obnoxious odors.

- d. Involve any manufacturing or fabrication of materials either plastic or metal.
 - e. Involve the performance of services or repairs on an automobile or other motor propelled vehicle.
 - f. Cause any fire hazard.
 - g. Be of the general character or nature of industrial services or use.
4. Operation of a facility for the residential or outpatient treatment of alcohol or other drug abuse may be located as a conditional use, if the facility also meets all of the following conditions:
- a. If a residential facility, not more than one (1) person per one hundred (100) square feet of bedroom space residing in the building at one (1) time.
 - b. The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other buildings in the vicinity.
 - c. A treatment facility shall not be located closer than one thousand (1,000) feet to any other alcohol or other drug abuse treatment facility.
5. Operation of a comprehensive marijuana dispensary, microbusiness dispensary, medical marijuana dispensary or marijuana testing facility may be located as a conditional use, if the facility also meets the following specific standards:
- a. No such use shall be sited within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or house of worship.
 - b. No comprehensive marijuana dispensary, microbusiness dispensary, medical dispensary facility or marijuana testing facility shall be located within one thousand (1,000) feet of another comprehensive marijuana dispensary, microbusiness dispensary, microbusiness wholesale facility, comprehensive marijuana cultivation facility, comprehensive marijuana-infused products manufacturing facility, medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or marijuana testing facility.
 - c. Marijuana dispensing and testing activities and operations shall occur only within an enclosed building. No outdoor storage shall be permitted on the property.
 - d. All structures used for dispensing and testing activities shall be equipped with odor control filtration and ventilation systems such that the odors of marijuana cannot be detected from outside the structure. An odor mitigation plan shall be submitted to the City prior to consideration of the issuance of a conditional use permit.
 - e. Any person or entity licensed by the State of Missouri for a medical marijuana dispensary facility or medical marijuana testing facility shall be in compliance with the requirements of the license at all times, and any failure of compliance shall be a violation of this Section, punishable upon conviction as provided in **Section 100.070** of this Code. In addition, such non-compliance may be evidence of the

existence of a public nuisance, which may be acted upon as provided in **Chapter 220** of this Code.

- f. The one thousand (1,000) feet distance referenced in this Subsection shall be measured as follows:
 - i. In the case of a freestanding facility, the distance between the facility and a school, day care, house of worship, or another medical marijuana-related facility shall be measured from the external wall of the facility structure closest in proximity to the school, day care, house of worship, or another medical marijuana-related facility to the closest point of the property line of the school, day care, house of worship, or another medical marijuana-related facility. If the school, day care, house of worship, or another medical marijuana-related facility is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, house of worship, or another medical marijuana-related facility closest in proximity to the facility.
 - ii. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, house of worship, or another medical marijuana-related facility shall be measured from the property line of the school, day care, house of worship, or another medical marijuana-related facility to the facility's entrance or exit closest in proximity to the school, day care, or church. If the school, day care, house of worship, or another medical marijuana-related facility is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care, house of worship, or another medical marijuana-related facility closest in proximity to the facility.
 - iii. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
6. Drive-thru restaurant, as defined in **Section 400.010**.
7. Restaurant pick-up window, as defined in **Section 400.010**.
8. Restaurant selling liquor by the drink.
9. Hotel.
10. Check-cashing establishment.
11. Piercing studio or establishment.
12. Short-term loan establishment.
13. Tattooing establishment.

14. Outdoor storage or display of good or materials for sale in connection with, and accessory to, a permitted or conditional use on the site.
- D. No property within the “C-2” District shall be used for any commercial use other than those identified as permitted or conditional uses in this Section.
 - E. To the extent that an existing commercial use is operating in the C-2 District under and in compliance with the terms of a conditional or special use permit, such use may continue without the need to apply for a new conditional use permit.
 - F. Incidental Commercial Use. Any commercial building in a "C-2" District used primarily for any of the enumerated purposes in this Article may have not more than forty percent (40%) of the floor area devoted to storage purposes incidental to such primary use; provided, that not more than five (5) employees shall be engaged at any time on the premises in any such incidental use.
 - G. If the business should at any time after the granting of a permit be operated in a manner to violate any of the terms of this Section or of the permit, the operator of such business shall be given written notice by the City Administrator to discontinue such violations within ten (10) days. If such violations are not discontinued within such time, then the permit to conduct such business shall be rescinded and the City will take such action as required to force the discontinuance of such business on such premises.
 - H. No use of any building shall be changed to any other permitted use in this zone unless such new proposed use complies with all parking area requirements.

Section 400.820 Lot Size Regulations, Lots of Record.

As platted; no additional lot size regulations are applied to Lots of Record.

Section 400.830 Lot Size Regulations, Newly-Platted Lots.

- A. Lot area, minimum. All newly-platted lots shall have a minimum lot area of not less than ten thousand (10,000) square feet.
- B. Lot width, minimum.
 - 1. All newly-platted lots shall have a minimum width of not less than one hundred (100) feet, with frontage on Manchester Road only.
 - 2. For wedge-shaped or other irregularly-shaped lots, width shall be calculated as the average (mean) width of the greatest width of the lot and the least width of the lot.

Section 400.840 Lot Area Regulations, All Lots.

- A. Front Yard Build-to Line, minimum and maximum.
 - 1. The front building façade in a “C-2” District shall be located at a minimum of zero (0) feet from the lot line with frontage on Manchester Road only.
 - 2. The front building façade in a “C-2” District shall be located at a maximum of thirty-five (35) feet from the lot line with frontage on Manchester Road only

3. The front building façade in a “C-2” District with a frontage on Sappington Road only shall be located at thirty-five (35) feet from the lot line with the frontage on Sappington Road.
4. Unenclosed, non-structural building elements, including awnings, marquees, building signage, and other similar elements may project not more than four (4) feet beyond the lot line with frontage on Manchester Road, thereby encroaching into the public right-of-way.

B. Side Yard.

1. If the side lot line of a “C-2” District abuts a “C-2” District, a building or structure may be built up to the edge of the lot line, subject to the following:
 - a. If a side yard is provided, the side yard shall be not less than five (5) feet in width at all points.
2. If the side lot line of a “C-2” District abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be a side yard on the abutting side of the building or structure in a “C-2” District having a width of not less than ten (10) feet at all points, subject to the following:
 - a. If the side lot line abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be erected either a wall or fence along the lot line abutting the residential district, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than six (6) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

C. Rear Yard. There shall be a rear yard in a “C-2” District having a depth of not less than twenty percent (20%) of the lot depth at all points, but in no case shall be less than twenty-five (25) feet, subject to the following:

1. If the rear lot line abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be erected either a wall or fence along the lot line abutting the residential district, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than ten (10) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

D. Impervious Surface.

1. No more than eighty-five percent (85%) of the total lot may be covered by impervious material.
2. Up to one hundred percent (100%) of the required front yard may be covered by impervious material if the front yard depth is ten (10) feet or less.

3. No more than eighty-five percent (85%) of the required front yard may be covered by impervious material if the front yard depth is greater than ten (10) feet.

Section 400.850 Height and Bulk Regulations, All Lots.

On all lots zoned “C-2”, no building shall exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.

Section 400.860 Land Area Per Family Dwelling Unit

In the “C-2” District, every multiple-family dwelling unit hereafter erected or structurally altered shall provide a land area of not less than one fortieth (0.025) acre or one thousand eighty-nine (1,089) square feet per family dwelling unit. The living space per unit shall not be less than eight hundred (800) square feet for one (1) bedroom units, nine hundred fifty (950) square feet for two (2) bedroom units and one thousand one hundred (1,100) square feet for three (3) bedroom units.

Section 400.870 Non-Conforming Lots of Record.

- A. All lots legally-platted prior to adoption of these Zoning Regulations by Ordinance {**Insert Ordinance Number**} on {**Insert Date of Adoption of this Ordinance**}, otherwise known as Lots of Record, shall be considered conforming lots respective to lot size regulations. Lot size regulations enumerated in **Section 400.830** shall apply only to lots platted after {**Insert Date of Adoption of this Ordinance**}.
- B. All lots legally developed prior to adoption of these Zoning Regulations by Ordinance {**Insert Ordinance Number**} on {**Insert Date of Adoption of this Ordinance**}, otherwise known as Lots of Record, and whose building(s) and structure(s) do not conform to any or all of: (1) the Use Regulations enumerated in **Section 400.810**; (2) the Lot Area Regulations enumerated in **Section 400.840**; or (3) Height and Bulk Regulations enumerated in **Section 400.850**; shall hereby be classified as Non-Conforming Lots of Record. Use(s), building(s), or structure(s) of Non-Conforming Lots of Record are permitted, subject to the following:
 1. Existing non-conforming uses on Non-Conforming Lots of Record may continue, subject to the following:
 - a. The use is continuous and does not lapse for a period of thirty (30) days or less. In the event that a non-conforming use lapses for a period of greater than thirty (30) days, the non-conforming will no longer be permitted to continue.
 - b. The use is authorized by an existing, non-transferable business license, issued prior to adoption of these Zoning Regulations by Ordinance {**Insert Ordinance Number**} on {**Insert Date of Adoption of this Ordinance**}, as set forth in **Section 605.020, Subsections (A – B) and Section 605.040**. In the event that a new business license is required, the non-conforming use will no longer be permitted to continue.
 2. Existing non-conforming building(s) and structure(s) on Non-Conforming Lots of Record are permitted, subject to the following:

- a. All interior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
- b. Exterior modifications, renovations, or other improvements to non-conforming building(s) or structure(s) that do not enlarge the building drip line area are permitted.
- c. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by not greater than fifty percent (50%) of the existing building drip line area or that enlarge the total building floor area by not greater than fifty percent (50%) of the existing building floor area are permitted, provided that such modifications, renovations, additions, or other improvements to not increase the non-conformance.

(For example, if an existing building does not conform to the side yard regulation because it encroaches three (3) feet into the required Side Yard area, a new addition could be constructed that also encroaches three (3) feet into the Side Yard area, as such an addition would continue the non-conformance, but not increase the non-conformance. However, said new addition could not encroach more than three (3) feet into the required Side Yard area, nor could it encroach into the Rear Yard area or beyond the Front Yard Build-to Line, as these conditions would increase the existing non-conformance.)

- d. Exterior modifications, renovations, additions, or other improvements to non-conforming building(s) or structure(s) that enlarge the building drip line by fifty-one percent (51%) or greater of the existing building drip line area or that enlarge the total building floor area by fifty-one percent (51%) or greater of the existing building floor area shall be required to conform with all regulations of the Lot Area Regulations enumerated in **Section 400.840**; or (3) Height and Bulk Regulations enumerated in **Section 400.850**.
3. In the event that existing non-conforming building(s) or structure(s) are lost to structural damage, fire, natural disaster, or other calamity, the existing non-conforming building(s) or structure(s) may be rebuilt to the existing non-conformance, but may not increase the non-conformance.

Section 400.880 Parking Regulations.

Off-street parking spaces in an “C-2” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article IX “PDO” Planned-Development Overlay

Section 400.910 Intent, Applicability, and District Status.

- A. *Purpose.* The intent of the “PDO” Planned Development Overlay is to permit unique, large-scale mixed-use infill developments and redevelopments on large sites within the “C-2” Corridor Mixed-Use District. The “PDO” Planned Development Overlay allows flexibility for projects with special features, including increased building heights and modified parking requirements in exchange for public benefits, as defined in **Section 400.010**, and determined through a negotiated development plan review and approval process.
- B. The “PDO” Planned-Development Overlay is applicable to lots or agglomerations of lots meeting the following requirements:
1. Minimum Size:
 - a. The lot or agglomeration of lots shall have a total combined area of not less than three (3) acres; and
 - b. The lot or agglomeration of lots shall have a total combined depth of not less than two hundred fifty (250) feet, as measured perpendicular from the front lot line. For wedge or other irregularly-shaped lots, depth shall be calculated as the average (mean) depth of the greatest depth of the lot and least width of the lot.
 - c. For agglomerations of lots. All individual lots with an agglomeration of lots must be:
 - i. Under common ownership; or
 - ii. Subject to a legally-enforceable development agreement between multiple owners, a copy of which shall be furnished to the City.
 2. The lot is zoned “C-2” Corridor Mixed-Use; and
 3. The lot has frontage on Manchester Road.
- C. Properties within the “PDO” Planned Development Overlay District shall meet the zoning requirements for the “C-2” Corridor Mixed-Use District. The owner(s) of lots within the “PDO” Planned Development Overlay District may seek exceptions from the traditional C-2 zoning requirements as part of their preliminary development plan and a final development plan
- D. The owner(s) of the lot(s) shall be required to submit a rezoning request pursuant to Section 400.100 of this Chapter and a preliminary development plan and a final development plan for review by the Plan Commission and approval by the Board of Aldermen following the same procedures and applying the same standards as set out in **Section 400.1320** of this Chapter applicable to review and approval of development plans for commercial property to request the “PDO” Planned Development Overlay to be applied to said lot(s) for such proposed development. The proposed preliminary and final development plans must identify enumerated public benefits to the City.
- E. District Status.

1. **Overlay District.** The “PDO” Planned Development Overlay is an overlay district that modifies specific regulations of the underlying Zoning District, as outlined herein.
2. **Mapped District.** The “PDO” Planned Development Overlay is a mapped district that applies only to lots to which the overlay is applied, subject to the conditions herein.
3. **Legislative Approval Required.** The “PDO” Planned Development Overlay can only be applied to a lot following the legislative approval by Ordinance of the Board of Aldermen in response to a rezoning petition, as provided for in **Section 400.100, Subsection (A – B)**, and review and approval of the preliminary and final development plan for such proposed project as provided for in **Section 400.1320**.
4. **Duration of District Status.** The “PDO” Planned Development Overlay classification shall persist for the duration of the development project specified in the Adoption Ordinance approving the rezoning and approving the final development plan.
 - a. If the petitioner desires a modification of the adopted development plan, the petitioner shall resubmit the modified development plan and complete the development or use procedures for commercial districts, as specified in **Section 400.1320**.

Section 400.920 Use Regulations, All Lots.

- A. A building or premises in an “PDO” Planned Development Overlay shall be used only for the following purposes:

1. Permitted uses for the “C-2” Corridor Mixed-Use district, as specified in **Section 400.810**.

Section 400.930 Lot Size Regulations, Lots of Record.

As specified in the respective regulations for the “C-2” Corridor Mixed-Use district, **Section 400.820**.

Section 400.940 Lot Size Regulations, Newly-Platted Lots.

As specified in the respective regulations for the “C-2” Corridor Mixed-Use district, **Section 400.830**.

Section 400.950 Lot Area Regulations, All Lots.

- A. As specified in the respective regulations for the “C-2” Corridor Mixed-Use district, **Section 400.840**, except:

1. Front yard impervious surface coverage limit is increased to no more than eighty five percent (85%).
2. Total lot impervious surface coverage limit is increased to no more than sixty percent (60%).
3. Side yards shall be subject to the following:
 - a. If the side lot line abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be erected either a wall or fence along the lot line abutting the residential district, and a landscape buffer shall also be provided. Such landscape buffer shall have a

minimum depth of not less than six (6) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

4. Rear yards shall be subject to the following:
 - a. If the rear lot line abuts an “R-1”, “R-2”, “R-3”, or “R-4” District, there shall be erected either a wall or fence along the lot line abutting the residential district, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than ten (10) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

Section 400.960 Height and Bulk Regulations, All Lots

On all lots zoned “PDO”, no building shall exceed sixty-five (65) feet in height, except as provided in **Section 400.070**.

Section 400.970 Land Area Per Family Dwelling Unit

As specified in the respective regulations for the “C-2” Corridor Mixed-Use district, **Section 400.860**.

Section 400.980 Non-Conforming Lots of Record

As specified in the respective regulations for the “C-2” Corridor Mixed-Use district, **Section 400.870**.

Section 400.990 Parking Regulations

Off-street parking spaces in the “PDO” Overlay shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article X “CVO” Civic Overlay

Section 400.1010 Intent, Applicability, and District Status

- A. The intent of the “CVO” Civic Overlay is to regulate civic, institutional, and other public uses and associated lot development in the context of Glendale’s residential neighborhoods and commercial districts. Specifically, the “CVO” Civic Overlay permits the construction of more than one (1) main structure on a single lot, as well as permitting the agglomerations of separate lots to be regulated as a single lot.
- B. The “CVO” Civic Overlay is applicable to lots meeting the following requirements:

1. The lot has an existing or proposed use that is civic, institutional, or otherwise public in nature, including but not limited to:
 - a. Facilities owned by the City of Glendale, St. Louis County, the State of Missouri, or other public agency;
 - b. Facilities owned by a public utility;
 - c. A church or religious institution; or
 - d. A public school or private school; and
2. The lot is owned by a public jurisdiction, public agency, public utility, or private, nonprofit entity; and
3. The Board of Aldermen, upon application by the property owner, moves to apply the “CVO” Civic Overlay to a qualifying lot or agglomeration of lots; and
4. The Board of Aldermen subsequently adopts an Ordinance (the “Adoption Ordinance”) applying the “CVO” Civic Overlay to said lot, according to the procedure outlines in **Section 400.100, Subsection (A – B)**.

C. District Status.

1. Overlay District. The “CVO” Civic Overlay is an overlay district that modifies specific regulations of the underlying Zoning District, as outlined herein.
2. Mapped District. The “CVO” Civic Overlay is a mapped district that applies only to lots to which the overlay is applied, subject to the conditions herein.
3. Legislative Approval Required. The “CVO” Civic Overlay can only be applied to a lot or lots following the legislative approval by Ordinance of the Board of Aldermen, as provided for in **Section 400.100, Subsection (A – B)** and review and approval of the preliminary and final development plan for such proposed project as provided for in **Section 400.1320**.
4. Duration of District Status. The “CVO” Civic Overlay classification shall persist for the duration of the qualifying land use and ownership. In the event that the qualifying land use or ownership changes to a non-qualifying land use or ownership, the Adoption Ordinance shall be revoked and the said lot shall revert to the underlying Zoning District.

Section 400.1020 Use Regulations, All Lots

- A. A building or premises in a “CVO” Civic Overlay shall be used only for the following purposes:
1. Administrative, service, or community buildings operated by a public agency, including public schools.
 2. Private schools, including elementary, middle and high schools, and educational institutions having a curriculum the same as ordinarily given in public schools.
 3. Churches, temples, and other places of worship or religious institutions.

4. Nursery, pre-kindergarten, kindergarten, play, and special schools when conducted by a religious institution as an ancillary service or when conducted by a non-profit entity.
5. Public utility or public service facilities.
6. Accessory buildings which are used for uses customarily incidental to the above uses. Any accessory building that is not part of the main structure(s) shall be located not less than sixty (60) feet from the front lot line.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

Section 400.1030 Lot Size Regulations, Lots of Record

As specified in the respective regulations of the underlying Zoning District.

Section 400.1040 Lot Size Regulations, Newly-Platted Lots

A. As specified in the respective regulations of the underlying Zoning District, except:

1. No new “CVO” Civic Overlay shall be established on any lot, agglomeration of lots under single ownership, or agglomeration of lots under multiple ownership but governed by a lease or other legally-enforceable development or use agreement that is less than one (1) acre or forty-three thousand, five hundred sixty (43,560) square feet in area.

Section 400.1050 Lot Area Regulations, All Lots

A. Front Yard.

1. Except as provided in **Section 400.070**, there shall be a front yard having a depth of not less than thirty (30) feet, subject to the following conditions:
 - a. Surface parking areas and vehicular parking lot access driveways shall not be located in the front yard in front of the front building façade, between the front building façade and the street.
 - b. Vehicular drop-off driveways, providing drop-off access to the building’s front entrance, may be located in the front yard in front of the front building façade, between the front building façade and the street.
 - c. Where a public sidewalk is provided along the street, a pedestrian sidewalk shall be provided between the public sidewalk and the building’s front entrance, with a width of not less than five (5) feet.
 - d. No more than thirty percent (30%) of the required front yard may be covered by impervious material.
 - e. The front yard shall be landscaped. Landscaping of the front yard is subject to review and approval by the Architectural Review Board, as provided in **Chapter 535**.
2. Where a lot has a double frontage, the required front yard shall be provided on both streets.

3. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of such corner lot.

B. Side Yard.

1. Except as provided in **Section 400.070**, there shall be a side yard on each side of the building(s) having a width of not less than twelve percent (12%) of the lot width, but in no case shall be less than ten (10) feet, subject to the following:
 - a. In the event that the “CVO” Civic District Overlay is established on an agglomeration of lots under single ownership, or agglomeration of lots under multiple ownership but governed by a lease or other legally-enforceable development or use agreement, the side yard regulations shall apply only to the side lot line(s) that constitute the boundary of the “CVO” Civic District Overlay.
2. There shall be erected either a wall or fence along the lot line abutting another lot, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than six (6) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Planning and Zoning Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

C. Rear Yard.

1. Except as provided in **Section 400.070**, there shall be a rear yard having a depth of not less than thirty (30) feet, subject to the following:
 - a. In the event that the “CVO” Civic District Overlay is established on an agglomeration of lots under single ownership, or agglomeration of lots under multiple ownership but governed by a lease or other legally-enforceable development or use agreement, the rear yard regulations shall apply only to the rear lot line(s) that constitute the boundary of the “CVO” Civic District Overlay.
2. There shall be erected either a wall or fence along the lot line abutting another lot, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than ten (10) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

- D. Impervious Surface.** No more than sixty-five percent (65%) of the total lot area, or total area of agglomerated lots may be covered by impervious material.

Section 400.1060 Height and Bulk Regulations, All Lots

As specified in **Section 400.070**.

Section 400.1070 (Reserved)

Section 400.1080 Parking Regulations.

Off-street parking spaces in an “CVO” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article XI “RCO” Recreation Overlay

Section 400.1110 Intent, Applicability, and District Status.

- A. *Purpose*. The intent of the “RCO” Recreation Overlay is to regulate public and private recreational uses and associated lot development in the context of Glendale’s residential neighborhoods and commercial districts. Specifically, the “RCO” Recreation Overlay permits the construction of more than one (1) main structure on a single lot, as well as permitting the agglomerations of separate lots to be regulated as a single lot.
- B. The “RCO” Recreation Overlay is applicable to lots meeting the following requirements:
1. The lot has an existing or proposed use that is recreational in nature, including but not limited to:
 - a. Parks, playgrounds, and athletic facilities owned or operated by a public agency;
 - b. Parks, playgrounds, and athletic facilities owned or operated by a private entity for public or semi-public use; or
 - a. Private golf, tennis, swimming, sports or country clubs; and
 2. The Board of Aldermen, on application of the property owner, moves to apply the “RCO” Recreation Overlay and approve the proposed recreational use to a qualifying lot or agglomeration of lots following the review and approval process for preliminary and final development plans according to the procedure outlined in **Section 400.1320**, and adoption by the Board of Aldermen of an Ordinance (the “Adoption Ordinance”) applying the “RCO” Recreation Overlay to said lot, according to the procedure outlined in **Section 400.100, Subsection (A – B)**.
- B. District Status.
1. **Overlay District**. The “RCO” Recreation Overlay is an overlay district that modifies specific regulations of the underlying Zoning District, as outlined herein.
 2. **Mapped District**. The “RCO” Recreation Overlay is a mapped district that applies only to lots to which the overlay is applied, subject to the conditions herein.
 3. **Legislative Approval Required**. The “RCO” Recreation Overlay can only be applied to a lot or lots following the legislative approval by Ordinance of the Board of Aldermen, as provided for in **Section 400.100, Subsection (A – B)** and review and approval of the preliminary and final development plan for such proposed project as provided for in **Section 400.1320**.

4. Duration of District Status. The “RCO” Recreation Overlay classification shall persist for the duration of the qualifying land use and ownership. In the event that the qualifying land use or ownership changes to a non-qualifying land use or ownership, the Adoption Ordinance shall be revoked and the said lot shall revert to the underlying Zoning District.

Section 400.1120 Use Regulations, All Lots.

- A. A building or premises in an “RCO” Recreation Overlay shall be used only for the following purposes:
 1. Clubs and semi-public buildings.
 2. Parks, playgrounds, community buildings, and athletic facilities owned or operated by a public agency.
 3. Parks, playgrounds, community buildings, and athletic facilities owned or operated by a private entity for public or semi-public use.
 4. Private golf or sports clubs; provided that no such golf or sports club shall be established nor any existing golf club shall expand its grounds or buildings or parking area without first securing a Conditional Use Permit under the conditions set forth in **Section 400.1220**.
 5. Accessory buildings which are used for uses customarily incident to the above uses. Any accessory building that is not part of the main structure(s) shall be located not less than sixty (60) feet from the front lot line.
 6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

Section 400.1130 Lot Size Regulations, Lots of Record.

As specified in the respective regulations of the underlying Zoning District.

Section 400.1140 Lot Size Regulations, Newly-Platted Lots.

- A. As specified in the respective regulations of the underlying Zoning District, except:
 1. No new “CVO” Civic Overlay shall be established on any lot, agglomeration of lots under single ownership, or agglomeration of lots under multiple ownership but governed by a lease or other legally-enforceable development or use agreement that is less than one and one-half (1.5) acre or sixty-five thousand, three hundred forty (65,340) square feet in area.

Section 400.1150 Lot Area Regulations, All Lots.

- A. Front Yard.
 1. Except as provided in **Section 400.070**, there shall be a front yard having a depth of not less than thirty (30) feet, subject to the following conditions:

- a. Where a public sidewalk is provided along the street, a pedestrian sideway shall be provided between the public sidewalk and the building’s front entrance, with a width of not less than five (5) feet.
 - b. No more than thirty percent (30%) of the required front yard may be covered by impervious material.
 - c. The front yard shall be landscaped. Landscaping of the front yard is subject to review and approval by the Architectural Review Board, as provided in **Chapter 535**.
2. Where a lot has a double frontage, the required front yard shall be provided on both streets.
 3. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of such corner lot.

B. Side Yard.

1. Except as provided in **Section 400.070**, there shall be a side yard on each side of the building(s) having a width of not less than twelve percent (12%) of the lot width, but in no case shall be less than ten (10) feet, subject to the following:
 - a. In the event that the “RCO” Recreation District Overlay is established on an agglomeration of lots under single ownership, or agglomeration of lots under multiple ownership but governed by a lease or other legally-enforceable development or use agreement, the side yard regulations shall apply only to the side lot line(s) that constitute the boundary of the “RCO” Recreation District Overlay.
2. There shall be erected either a wall or fence along the lot line abutting another lot, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than six (6) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

C. Rear Yard.

1. Except as provided in **Section 400.070**, there shall be a rear yard having a depth of not less than thirty (30) feet, subject to the following:
 - a. In the event that the “RCO” Recreation District Overlay is established on an agglomeration of lots under single ownership, or agglomeration of lots under multiple ownership but governed by a lease or other legally-enforceable development or use agreement, the rear yard regulations shall apply only to the rear lot line(s) that constitute the boundary of the “RCO” Recreation District Overlay.
2. There shall be erected either a wall or fence along the lot line abutting another lot, and a landscape buffer shall also be provided. Such landscape buffer shall have a minimum depth of not less than ten (10) feet and shall extend the entire length of the abutting residential district. Landscape buffer shall be planted with grass, trees, shrubs, decorative

plant materials, or a combination thereof. Such wall or fence and landscape buffer shall be submitted for the advice of the Plan Commission and must be approved by the Board of Aldermen before such property can be used for such purposes.

- D. Impervious Surface. No more than forty-five percent (45%) of the total lot area, or total area of agglomerated lots may be covered by impervious material.

Section 400.1160 Height and Bulk Regulations, All Lots.

On all lots zoned “CVO”, no building shall exceed thirty-five (35) feet in height, except as provided in **Section 400.070**.

Section 400.1170 (Reserved)

Section 400.1180 Parking Regulations.

Off-street parking spaces in an “RCO” District shall be provided in accordance with the requirements for specific uses set forth in **Chapter 410**.

Article XII Conditional Use Permit Procedure

Section 400.1210 Purpose

- A. Conditional uses are land uses that are considered by the city to be essentially desirable, necessary or convenient to the community, but by their nature or their operation may generate large amounts of traffic; may attract a large number of persons to the site of the use, thus creating noise or other pollutants; may have a detrimental effect upon the value or potential development of other properties in the neighborhood; or a potential for accidents or danger to public health or safety. These uses require the consideration and exercise of planning judgment on location and site planning.
- B. It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationship to other land uses. The location of these uses shall not be in conflict with the comprehensive plan. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety and general welfare. Such land uses and developments are identified in each particular zoning district under conditional uses.

Section 400.1220 Conditional Use Permit.

[[Add new ordinance reference]]

- A. The request for a conditional use permit may be initiated by a verified application of one or more of the owners of record or owners under contract of a lot or tract of land or their authorized representatives or by the plan commission or the Board of Aldermen upon filing of a resolution of intention. Procedures for application, review and approval of a conditional use permit shall be as follows:

1. Application. Application for a conditional use permit for a specific tract of land shall be addressed to the Plan Commission and filed with the city administrator. The application shall be filed on forms prescribed for that purpose by the commission and be accompanied by the following:
 - a. Filing fee as established by the Board of Aldermen and set out in the city fee schedule.
 - b. Legal description of the property.
 - c. Property survey, boundary plat or a parcel map obtained from the county assessor's office or the city geographical information system.
 - d. A development plan, either in narrative form or a preliminary site plan, to indicate the intended use of the property. (Site plan should include the requirements of article ___ of this chapter.)
 - e. A verification by the applicant of the truth and correctness of the contents of the application and verification that the applicant is the owner of the property or has the property under contract.
2. Burden of proof. In presenting an application for a conditional use permit, the burden of proof shall rest with the applicant to provide any necessary evidence to clearly indicate that the proposed conditional use shall meet the following criteria:
 - a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 - b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed conditional use will not cause injury to the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations or the city's comprehensive plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - i. The location, nature and height of buildings, structures, walls and fences on the site; and
 - ii. The nature and extent of proposed landscaping and screening on the site.
 - e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

- f. Adequate utility, drainage and other such necessary facilities have been or will be provided.
 - g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
 - h. Adequate provisions for internal traffic and pedestrian traffic are made.
3. Approval or denial of application.
- a. The plan commission shall either recommend that the Board of Aldermen approve (including any conditions of approval) or deny the application and state the reasons therefor.
 - b. In making its recommendation to the Board of Aldermen on those developments and uses for which the evidence submitted, as required in subsection (3) of this section, the plan commission may recommend approval of developments and uses that:
 - i. Are consistent with good planning practice.
 - ii. Can be operated in a manner that is not detrimental to the permitted uses in the district.
 - iii. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area.
 - iv. Will not significantly increase traffic congestion or other hazards.
 - v. Will not increase fire hazards.
 - vi. Will not overtax public utilities at the desired intensity of use.
 - vii. Will not injure the value of neighboring property or create limitations on the future development of neighboring properties.
 - viii. Comply with the recommendations of the city's comprehensive plan or any sub-area plans that are applicable to the neighborhood or sector of the city.

If the facts of the case do not establish that the standards set forth in this chapter will be met, the plan commission shall recommend that the Board of Aldermen deny the request.

- c. In recommending approval of conditional use permit applications, the plan commission may recommend such conditions as it determines necessary to meet the aforementioned standards. These conditions may include, but not necessarily be limited to, the following:
 - i. Permitted uses, including maximum floor area.
 - ii. Performance standards.

- iii. Height limitations.
- iv. Minimum yard requirements.
- v. Off-street parking and loading requirements.
- vi. Sign regulations.
- vii. Minimum requirements for site development plans.
- viii. Time limitations for duration of the use or subsequent review.
- ix. Architectural elevations of any proposed structures.
- x. All proposed landscaping.

These and any other conditions deemed necessary by the commission may be made more restrictive than the minimum requirements of the respective zoning district within which the conditional use will be located.

- d. If for any reason the plan commission is unable to make a recommendation for either approval or denial to the Board of Aldermen on an application for a conditional use permit, the plan commission's failure to make a recommendation shall be deemed to be a recommendation of denial and the application may be forwarded to the Board of Aldermen without an explicit recommendation or report, provided that in the event the commission is unable to make a recommendation, any member or group of members that form less than a quorum of the plan commission may make a statement of recommendations on the application, which may be received by the Board of Aldermen as evidence at the board's public hearing on the petition.
4. Board of Aldermen review of decision. The Board of Aldermen shall review the plan commission's recommendation on an application for a conditional use permit at the regularly scheduled meeting of the Board of Aldermen pursuant to the report of the plan commission on the application as received.
 - a. Public hearing by the Board of Aldermen. Before initiating any review or acting on any protest pursuant to **Section 400.1230**, the Board of Aldermen shall set the matter for a public hearing with notice provided pursuant to **Section 400.120** of this Chapter. The applicant in person (or by agent or attorney), any citizen of the city and all other parties of interest shall be permitted to speak at the hearing.
 - b. Board of Aldermen decision. Following the hearing by the Board of Aldermen, the board by ordinance may approve or deny an application for a conditional use permit and in doing so may adopt, reject or modify, in whole or in part, any recommendation of the plan commission. The Board of Aldermen may authorize by ordinance, under prescribed conditions, the construction or undertaking of any conditional use that is expressly allowed as a conditional use in a particular zoning district; however, the Board of Aldermen reserves full authority and discretion to deny any request for a conditional use including but not limited to because it

determines the use as proposed does not clearly meet one (1) or more of the standards set forth below or to impose conditions of approval of the use to address concerns related to those standards. The Board of Aldermen may revoke approval at any time upon a determination that a previously approved conditional use has become unsuitable and/or incompatible in its location based on deviations in the use from the original proposal pertaining to the below standards. The board's decision shall be based on its determinations as to whether the proposed conditional use:

- i. Is consistent with good planning practice.
 - ii. Can be operated in a manner that is not detrimental to the permitted uses in the district.
 - iii. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area.
 - iv. Complies with all applicable provisions of this Zoning Ordinance Chapter 400 including but not limited to environmental performance standards and the standards of this Chapter in regard to yard and setback, parking and loading areas, screening and buffering, refuse, storage and service areas and signs.
 - v. Will contribute to and promote the welfare and convenience of the community at the specific location.
 - vi. Will not significantly increase traffic congestion or other hazards.
 - vii. Will not increase fire hazards.
 - viii. Will not overtax public utilities at the desired intensity of use.
 - ix. Will not injure the value of neighboring property or create limitations on the future development of neighboring properties.
 - x. Complies with the city's comprehensive plan or any sub-area plans that are applicable to the neighborhood or sector of the city.
 - xi. Has been shown by applicant to satisfy the criteria of subsection (3) of this section.
- c. The Board may impose conditions to ensure that the proposed use meets, and will continue to meet, the standards set forth in this article.
 - d. Decision in writing. Decisions of the Board of Aldermen granting a conditional use permit shall be in the form of an ordinance adopted by the board that includes a concise, written statement of the reasons on which the board bases its decision. Decisions of the Board of Aldermen denying a conditional use permit shall be in the form of a written statement of decision that includes a concise statement of the reasons on which the board bases its decision.

5. Permit effective when. A conditional use permit or an amendment thereto shall become effective upon the Board of Aldermen's adoption of a resolution approving the conditional use. In the event that a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
6. Notice of denial. Upon denial by the Board of Aldermen of an application for a conditional use permit, the city administrator shall give written notice of its decision by delivering or mailing such notice to each party or his attorney of record and shall upon request furnish him with a copy of the resolution, decision or written statement of the reasons on which the board based its decision.
7. Effect of denial. No subsequent application for the same use with reference to the same property or part thereof concerning the same conditional use shall be filed by any applicant until the expiration of 12 months after the denial becomes final. Although the applicant is restrained from reapplying for a 12-month period, no provision herein shall be construed to prevent the commission or the Board of Aldermen from initiating the procedure provided in this section by a resolution of intention at any time within that 12-month period or later.

Sec. 400.1230. Protest and board review of plan commission decision.

- A. Protest by nearby property owners to decision. In case a protest against the plan commission's recommendation for approval of a conditional use is presented, such conditional use shall not become effective except by the favorable vote of two-thirds of all of the members of the Board of Aldermen (i.e., four of the six members vote in favor).
- B. Form of protest. To be sufficient, a protest must:
 1. Be duly signed, notarized and acknowledged by the owners of more than 30 percent of the area of land (exclusive of public streets and alleys) included in such proposed conditional use; or of the owners of 30 percent of the land within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the property upon which the conditional use will be located;
 2. Be filed in writing with the city clerk within the ten days following the plan commission's decision;
 3. Be accompanied by the signatures and addresses of the property owners involved; and
 4. Include a notarized verification from the persons collecting the protesters' signatures that all signatures are correct and real. Protesters' signatures and printed names shall match the record of property ownership within the county recorder of deeds office. The protest shall specifically state how the application, as initially filed or subsequently modified, meets (or fails to meet) the criteria set forth in this chapter.

Article XIII Additional Use Regulations

Section 400.1310 Use Regulations

- A. A building or premises shall be only used for the purpose for which a use permit was granted and which is a use permitted in the district in which it is located.
- B. All activities as permitted or required in the commercial districts shall be conducted wholly within an enclosed building with the exception of restaurants who receive a conditional use permit for outdoor dining under conditions required in the conditional use permit, permitted new and used car dealerships which may store automobiles outside of buildings, and gasoline service stations which may maintain pumps, service automobiles and fill gasoline and oil into automobiles outside of a building under conditions required in the conditional use permit.

Section 400.1320 Commercial Districts, Development and Use Procedures

[R.O. 2010 §400.610; CC 1970 §33-21.8; Ord. No. 6-71 §1, 6-22-1971; {Add new ordinance reference}]

- A. The owner of any tract of land seeking to (1) zone the land to any type of commercial district; or (2) develop vacant land already zoned to a commercial district; (3) perform substantial renovations to a building in a commercial district, or (4) demolish a building within a commercial district and propose the construction of a new commercial building shall file a preliminary development plan. For purposes of this section, “substantial renovations” shall mean, renovations that are expected to involve the expenditure of funds exceeding 25% of the appraised value of the building prior to such renovations. The preliminary development plan hereinabove referred to shall include the following:
 - 1. Plot plan showing the size, dimensions and locations of the property.
 - 2. The proposed building lines.
 - 3. The proposed use.
 - 2. Location and approximate size of buildings.
 - 3. The tentative parking and circulation patterns.
 - 4. The approximate existing and proposed contours.
 - 5. The planting areas.
 - 6. The type, size and location of proposed signs not attached to the buildings.
- B. The application for preliminary development plan shall be submitted to the plan commission for its review. The plan commission shall either recommend that the Board of Aldermen approve (including any conditions of approval) or deny the application and state the reasons therefor.

In making its recommendation to the Board of Aldermen on those developments and uses for which the evidence submitted, as required in subsection (3) of this section, the plan commission may recommend approval of developments and uses that:

- 1. Are consistent with good planning practice.

2. Can be operated in a manner that is not detrimental to the permitted uses in the district.
 3. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area.
 4. Will not significantly increase traffic congestion or other hazards.
 5. Will not increase fire hazards.
 6. Will not overtax public utilities at the desired intensity of use.
 7. Will not injure the value of neighboring property or create limitations on the future development of neighboring properties.
 8. Comply with the recommendations of the city's comprehensive plan or any sub-area plans that are applicable to the neighborhood or sector of the city.
- C. If the facts of the case do not establish that the standards set forth in this chapter will be met, the plan commission shall recommend that the Board of Aldermen deny the request.
- D. In recommending approval of a preliminary development plan application, the plan commission may recommend such conditions as it determines necessary to meet the aforementioned standards. These conditions may include, but not necessarily be limited to, the following:
1. Permitted uses, including maximum floor area.
 2. Performance standards.
 3. Height limitations.
 4. Minimum yard requirements.
 5. Off-street parking and loading requirements.
 6. Sign regulations.
 7. Minimum requirements for site development plans.
 8. Time limitations for duration of the use or subsequent review.
 9. Architectural elevations of any proposed structures.
 10. All proposed landscaping.

These and any other conditions deemed necessary by the commission may be made more restrictive than the minimum requirements of the respective zoning district within which the use will be located.

- E. If for any reason the plan commission is unable to make a recommendation for either approval or denial to the Board of Aldermen on an application for a preliminary development plan, the plan commission's failure to make a recommendation shall be deemed to be a recommendation of denial and the application may be forwarded to the Board of Aldermen without an explicit recommendation or report, provided that in the event the commission is unable to make a

recommendation, any member or group of members that form less than a quorum of the planning and zoning commission may make a statement of recommendations on the application, which may be received by the Board of Aldermen as evidence at the board's public hearing on the petition.

- F. Board of Aldermen review of decision. The Board of Aldermen shall review the plan commission's recommendation on an application for a preliminary development plan at the regularly scheduled meeting of the Board of Aldermen pursuant to the report of the plan commission on the application as received.
- G. Public hearing by the Board of Aldermen. Before initiating any review of a preliminary development plan, the Board of Aldermen shall conduct a public hearing concerning the same, according to the requirements set forth in **Section 400.120**. The applicant in person (or by agent or attorney), any citizen of the city and all other parties of interest shall be permitted to speak at the hearing.
- H. Board of Aldermen decision. Following the hearing by the Board of Aldermen, the board by ordinance may approve or deny an application for a preliminary development plan and in doing so may adopt, reject or modify, in whole or in part, any recommendation of the plan commission. The Board of Aldermen may authorize by ordinance, under prescribed conditions, the construction or undertaking of any conditional use that is expressly allowed as a conditional use in a particular zoning district; however, the Board of Aldermen reserves full authority and discretion to deny any request for a preliminary development plan including but not limited to because it determines the use as proposed does not clearly meet one (1) or more of the standards set forth below or to impose conditions of approval of the use to address concerns related to those standards. The Board of Aldermen may revoke approval at any time upon a determination that a previously approved development plan has become unsuitable and/or incompatible in its location based on deviations in the use from the original proposal pertaining to the below standards. The board's decision shall be based on its determinations as to whether the proposed use:
 - 1. Is consistent with good planning practice.
 - 2. Can be operated in a manner that is not detrimental to the permitted uses in the district.
 - 3. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area.
 - 4. Will not significantly increase traffic congestion or other hazards.
 - 5. Will not increase fire hazards.
 - 6. Will not overtax public utilities at the desired intensity of use.
 - 7. Will not injure the value of neighboring property or create limitations on the future development of neighboring properties.
 - 8. Complies with the city's comprehensive plan or any sub-area plans that are applicable to the neighborhood or sector of the city.
 - 9. Has been shown by applicant to satisfy the criteria of subsection (3) of this section.

10. Necessitates the board's imposition of conditions to ensure that the proposed use meets, and will continue to meet, the standards set forth in this article.
- I. Decision in writing. Decisions of the Board of Aldermen on a preliminary development plan shall be in the form of an ordinance adopted by the board and shall include or be accompanied by a concise, written statement of the reasons on which the board bases its decision.
- J. Within twelve (12) months from the date of the approval by the Board of Aldermen of the application and the preliminary development plan, a final development plan shall be filed with the City, which shall be subject to the same review and approval process by the Plan Commission and the Board of Aldermen as established above for the review and approval of the preliminary development plan. Such final development plan, in addition to matters shown on the preliminary development plan, shall include the following:
 1. The existing and proposed contours.
 2. The landscape plan with the specific location of all plant material specifying size, species and location (Both as to buffer area around the perimeter as well as that in the parking lots).
 3. All proposed uses.
 4. All structures, present and future.
 5. Sidewalks.
 6. Parking spaces and moving traffic lanes.
 7. Loading and delivery zones.
 8. Ingress and egress facilities.
 9. Plan for the provision of water sanitary and storm drainage facilities.
 10. All easements and dedications.
 11. Signs.
 12. Details of lighting of parking lots and outside of buildings, including location, type and intensity.
 13. All other information which the Planning and Zoning Commission or Board of Aldermen may designate.
- K. No building permit shall be issued to construct any part or all of the development in the district until such time as the Metropolitan St. Louis Sewer District has approved the sanitary and storm sewers and drainage, the Plan Commission has made its recommendations and the Board of Aldermen has approved the final development plan and unless the construction plans meet all requirements of the City and the City's Building Code. However, nothing contained herein shall be construed to prohibit such grading and site work as shall be needed to prepare the tract for development; provided, that approval of the Plan Commission and the Board of Aldermen is received in writing from their authorized representative for such grading and site work and a grading permit is secured.

- L. No public improvements or infrastructure related to such commercial establishment may be constructed upon, or may occupy or use, any portion of a commercial district until a performance bond, or a performance escrow sufficient to insure to the City either the completion of all such public improvements and infrastructure and such amount to pay the estimated expenses of restoring the ground to its pre-existing condition if such public improvements or the development itself are undertaken but not completed, in an amount as determined by the City Administrator and approved by the Board of Aldermen, is posted and filed with the City Administrator. If any parcel of land is to be developed in sections, all public improvements and infrastructure including streets, sewers, water lines, and parking facilities, necessary to the proper operation and functioning of the entire parcel even though such improvements may be located outside the section under development, must be constructed, installed or planted at the time of the development of the first section; provided, that on showing of hardship, this requirement may be waived by the Board of Aldermen. Within twenty-four (24) months of the date of approval of the final development plan by the Board of Aldermen, construction shall commence, or the permit shall be void. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and the approved development plan for the property.
- M. There shall be adequate legal provisions to ensure that the development plan approved will be actually constructed and completed and that any common areas will be properly protected and maintained, and in order to effectuate this Subsection it may be required as a condition of approval of the development plan that deed restrictions or a trust indenture be executed and recorded.

Section 400.1330 Fences.

[Ord. No. B08-18, 5-7-2018; {Add new ordinance reference}]

- A. Application To Building Commissioner Required. No person shall erect or cause to be erected a fence of any kind whatsoever without first filing an application for a fence permit with the Building Commissioner (or their designee) of the City. Such application shall contain information concerning the proposed dimensions and location of such fence, and the materials from which it is to be constructed. If the proposed fence appears to conform to the provisions of this Section, the Building Commissioner shall issue a permit. Each application for a fence permit shall be accompanied with payment of a permit fee of twenty-five dollars (\$25.00). Upon completion of the fence, the property owner shall be required to schedule an inspection of the fence by the Building Commissioner. Payment of a separate fence inspection fee of twenty-five dollars (\$25.00) shall be paid to the City in advance of the inspection.
- B. Restrictions And Prohibitions.
1. The City of Glendale shall, at its own discretion, retain the right to refer any and all front yard fence approvals to the Plan Commission for review and approval.
 2. It shall be unlawful to erect any fence in violation of the following provisions:
 - a. No masonry wall, solid fence, chain link fence, snow fence or fence over thirty-six (36) inches in height shall be constructed in any front yard of any residentially zoned property in the City. Notwithstanding the forgoing, on a corner lot, behind the front

building line, and along the street frontage that is designated as the side street front yard and not the primary front yard under Chapter 400 of this code, a fence not exceeding forty-eight (48) inches in height, that is not a solid fence, may be constructed.

- b. No fence, regardless of material or location, shall exceed six (6) feet in height.
- c. No fence composed in whole or in part of barbed wire or electrified in any manner may be erected or maintained in the City along or adjacent to any public street, avenue, alley, park, lane or other public grounds or along or adjacent to any front, side or rear yard of any abutting residential or commercial property in the City; provided, that the Planning and Zoning Commission may consider an appeal to grant a special permit to do so in the event such barbed wire is a minimum of six (6) feet above grade level.
- d. Every fence constructed in the City shall have its decorative side facing outward from the lot and the area to be enclosed, and shall have its posts, framing and other structural support within or facing toward the interior of the lot and the area to be enclosed.
- e. No fence of any kind shall be used for advertising purposes.
- f. All fences shall be kept in good repair and, if of a type other than chain link or similar non-rusting material, shall be properly painted or preserved.
- g. Fences shall not be located within fifteen (15) feet of the intersection of the right-of-way lines of two (2) intersecting streets.
- h. No fence shall be located on public right-of-way.
- i. All fences shall be comprised of standard residential or commercial fencing materials, which include:
 - 1) Lumber, timber or composite wood products
 - 2) Unit masonry
 - 3) Wrought iron
 - 4) Decorative aluminum or steel;
 - 5) Viny; or
 - 6) Chain link, in accordance with subdivision (2)(a) of this Subsection.
- j. Any fence that would be compromised of any material other than those listed in subdivision (i) of this Subsection shall not be erected unless an exception has been granted in accordance with Subsection (C) of this Section.

- k. Fences shall be constructed in a workmanlike manner in adherence with construction industry standards, such as those established by the American Society for Testing and Materials (ASTM).
3. It shall be the duty of the Building Commissioner to enforce the provisions of this Section. Whenever the Building Commissioner determines that a person is violating the provisions of this Section, they shall give notice of such alleged violation which shall:
 - a. Be in writing;
 - b. Be served upon the person, their agent, or a member of their immediate family personally, or delivered by registered or certified mail to their last known address;
 - c. Contain a statement of the reason why it is being issued;
 - d. Contain a statement concerning what action should be taken to effect compliance with this Section; and
 - e. Allow a reasonable time for the performance of any act necessary to effect compliance.
 4. Any person who violates the provisions of this Section shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each separate day that a fence remains in violation of the provisions of this Section after proper notice of such violation and failure of the property owner to effect compliance shall constitute a separate violation.

C. Exceptions.

1. There shall be no appeal from a decision of the Building Commissioner pertaining to fences under this Section under the provisions of **Section 400.1530** or **Section 500.050** of the Municipal Code.
2. When a person subject to the provisions of this Section can show that the strict application of the terms hereof will substantially impair the reasonable use and enjoyment of property, such person may apply for an exception to the provisions of this Section by filing a written application with the Plan Commission. The Plan Commission, or a standing committee thereof if one (1) is established for that purpose by the commission, shall conduct a hearing on said application, according to the requirements set forth in **Section 400.120**, with the following exception:
 - a. Notification requirements of **Section 400.120** are waived and replaced by the following:
 - 1) Written notice is sent by First Class Mail to the owner(s) of all property abutting the property upon which the fence is sought to be erected and the owner of property directly across the street from the property upon which the fence is sought to be erected.

3. The Plan Commission, or the designated committee thereof, may consider and allow exceptions from the strict application of this Section if such exceptions are in harmony with the purpose and intent of this Section, and if they will not be injurious to the surrounding property or otherwise detrimental to the public welfare, taking into account the location of the property, the permitted uses of the property and nearby properties, the prevailing traffic conditions on adjoining roadways and in the vicinity, and the configuration of the property and improvements thereon.
4. In granting an exception, the commission or the designated committee may attach such conditions as they deem necessary relating to location, design and landscaping to mitigate the impact of the fence variance on the adjoining property or general neighborhood.
5. All petitions for exceptions to the provisions of this Section of the Municipal Code relating to fences shall be accompanied by a payment of a fee of fifty dollars (\$50.00) payable at the time such appeal is submitted.
6. If a person has sought an exception to the provisions of this Section by filing a written application with the Plan Commission and the Plan Commission denies such application for an exception, such person may appeal the Plan Commission's negative recommendation to the Board of Aldermen within thirty (30) days of such denial.

Section 400.1340 Wireless Facilities And Wireless Support Structures.

[R.O. 2010 §400.815; Ord. No. 14-97 §1, 12-1-1997; Ord. No. 01-02 §1, 1-21-2002; Ord. No. B07-18, 5-7-2018[1]; **Add new ordinance reference**]

- A. Purposes. 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 Glendale. Specifically, this Section is intended to:
 1. Provide for the appropriate location and development of wireless communications infrastructure to serve the citizens and businesses of the City of Glendale;
 2. Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, landscape screening and innovative camouflaging techniques;
 3. Ensure that any new support structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;
 4. Ensure that regulation of wireless facilities and structures does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service; and
 5. Comply with applicable law including the Federal Telecommunications Act of 1996, 47 USC 332, and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, Section 67.5090, RSMo., et seq.

- B. General Requirements. The requirements set forth in this Section shall be applicable to all wireless facilities and wireless support structures installed, built or modified after the effective date of this Section, to the full extent permitted by law.
1. Principal Or Incidental Use. Wireless facilities and wireless support structures may be either a principal use in all zoning districts or an accessory use to existing multiple-family institutional or non-residential uses, subject to any applicable district requirement relating to yard or setback.
 2. Building Codes, Safety Standards, And Zoning Compliance. To ensure the structural integrity of wireless facilities and wireless support structures, the owner shall see that it is constructed and maintained in compliance with all standards contained in any State and local Building Codes, and the National Electric Safety Codes, as amended from time to time. In addition to any other approvals required by this Section, no wireless facilities and wireless support structures shall be erected prior to the issuance of a building permit.
 3. Regulatory Compliance. All wireless facilities and wireless 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. No approval for any placement, construction, or modification of any wireless facility or support structure permitted by this Section shall be granted for any applicant having an incurred violation of this Section or any other governmental regulatory requirement related to such wireless facility or support structures within the City.
 4. Security. All wireless facilities and wireless support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measure shall be included as part of any application to install, build or modify wireless facilities or wireless support structures. Additional measures may be required as a condition of the issuance of a building permit or administrative permit as deemed necessary by the City Administrator or by the Board of Aldermen in the case of a conditional use permit.
 5. Lighting. Wireless facilities and wireless support structures shall not be lighted unless required by the FAA or other State or Federal agency with authority to regulate, in which case a description of the required lighting scheme will be made part of the application to install, build or modify the wireless facilities or wireless support structure. Equipment cabinets and shelters may have lighting only as approved by the City Administrator on the approved site development plan.
 6. Advertising. Unless a wireless facility or wireless support structure is disguised in the form of an otherwise lawfully permitted pole sign, the placement of advertising on structures regulated by this Section is prohibited.
 7. Design.

- b. Wireless facilities and wireless support structures, except disguised support shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable State or Federal agency, be painted a neutral color consistent with the natural or built environment of the site.
- c. 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 facility is located. New support structures shall be of a monopole design, unless it is shown that an alternative design would equally or better minimize any visual degradation.
- d. Wireless facilities and wireless support structures shall not exceed the height limitation of any airport overlay zone as may be adopted by the City.
- e. Wireless facilities mounted on a building or disguised support structure shall be of a color identical to or closely compatible with the surface to which they are mounted, and should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of a building. Wireless facilities and wireless support structures mounted on the ground shall not exceed one hundred fifty (150) feet in height, except as provided in **Subsection (F)**. Wireless facilities installed on a building shall not exceed twenty (20) feet from the highest point of the building, other than for licensed amateur radio uses.
- f. Wireless facilities and wireless support structures mounted on the ground shall be surrounded by a minimum six (6) foot high decorative wall constructed of brick, stone or comparable masonry materials and landscape strip of not less than ten (10) feet in width and plated with materials which will provide a visual barrier to a minimum height of six (6) feet. 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 City Administrator in the case of a permitted use or use permitted by administrative permit, or by the Board of Aldermen in the case of a conditional use permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved.
- g. All wireless support structures shall be separated from any off-site single- or two-family residential structure a distance equal to the height of the wireless support structure. Wireless 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 non-residentially zoned property, wireless support structures shall maintain setbacks as are required for accessory structures in such district.
- h. Ground anchors of all guyed wireless support structures, if permitted, shall be located on the same parcel as the wireless support structures and meet the setbacks of the applicable zoning district.

- i. Vehicle or outdoor storage on any the site of any wireless facility or wireless support structure is prohibited, unless otherwise permitted by the zoning.
 - j. On-site parking for periodic maintenance and service shall be provided at all wireless facility and wireless support structure locations consistent with the underlying zoning district.
8. (Reserved)
9. Time Limits. All applications regarding wireless facilities and wireless support structures shall be processed in accordance with the time limits established by Sections 67.5090 through 67.5103, RSMo.
10. Fees. Fees for applications regarding wireless facilities and wireless support structures shall not exceed the limits established by Sections 67.5090 through 67.5103, RSMo.
11. New Wireless Support Structure/Substantial Modification. Prior to the issuance of a building permit, administrative permit, or a conditional use permit, the City shall require an applicant proposing to construct a new wireless support structure, or to make a substantial modification to a wireless support structure, to include a copy of a lease, letter of authorization, or other agreement from the property owner evidencing applicant's right to pursue the application and shall require such applicant to comply with all applicable permitting and land use ordinances of the City. Any decision denying such application shall be provided, in writing, to the applicant. With regard to an application for a new wireless support structure, the applicant shall provide to the City a statement affirming that it conducted an analysis of available collocation opportunities on existing wireless towers within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.
12. Right-Of-Way Usage.
 - a. No person shall construct, operate, own, or maintain a wireless facility or wireless support structure with the City's rights-of-way without first entering into a valid, unexpired rights-of-way use agreement with the City of Glendale, as required by **Section 461.110** of this Code, unless otherwise specifically authorized under applicable Federal or State law or otherwise provided by ordinance.
 - b. For applications to construct or modify a wireless facility or wireless support structure in the City's rights-of-way, the most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the District Map.
 - c. Pursuant to the City's authority, including by Section 67.1830, RSMo., and due to the limited space in the City's rights-of-way and in order to minimize obstructions and interference with the use of the rights-of-way and to ensure traffic safety, preserve property values, and enforce the public policy to maintain neutrality as to ownership of wireless locations, wireless facilities, support structures and equipment shall not be permitted in the rights-of-way on new structures unless the Board of Aldermen

determines on a non-discriminatory basis such proposed application is in the public interest addressing all concerns stated in this Section, and provided such use and location has received prior, separate zoning authorization to the extent permitted by law. In such circumstances where any new wireless facility or wireless support structure is permitted in the rights-of-way, such uses shall be subject to reasonable regulations, including any applicable specifications, compensation, and other terms established by the City in such approval or agreements. Wireless antennas and related facilities on existing structures or underground may be permitted in the same manner as other uses in the rights-of-way but subject to approval, denial or condition relating to location, design, height, appearance, safety, and such other zoning, building specification or other regulations, except as may be limited by law.

C. Permitted Use. The placement as follows of antennas and towers are permitted in all zoning districts upon the issuance of a building permit by St. Louis County:

1. 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) days prior to issuance. The City Administrator shall post public notice of such hearing in a prominent location at the City hall at least fifteen (15) days in advance of such hearing and shall provide written notice to all property owners within the City limits whose property lies within three hundred (300) feet of the parcel for which an application has been submitted. Collocation and replacement applications shall be required to comply with all applicable State and local building codes, National Electric Safety Code, recognized industry standards for structural safety, capacity, reliability, and engineering, but shall not be required to comply with other zoning or land use requirements, including design or placement requirements or public hearing review.
2. The mounting of antennae on any existing building or structure such as a water tower, provided that the presence of antenna is concealed by architectural elements or satisfactorily camouflaged by painting a color identical to the surface to which they are attached.
3. The mounting of antennae on or within any existing high voltage electric transmission tower, but not exceeding the height of such tower by more than ten (10) feet.
4. The installation of antennae or the construction of a wireless facility or wireless support structure on buildings or land owned by the City following the approval of a lease agreement by the Board of Aldermen.

D. Administrative Permit.

1. Authorization By Administrative Permit. The placement as follows of antenna and towers is permitted in all zoning districts only by administrative permit approved by the City Administrator:

- a. The construction of a disguised support structure provided that all related equipment shall be placed underground or concealed within the structure when the structure is located in any district other than a district authorizing industrial uses. Equipment may be placed in a cabinet if the disguised support structure is incidental to an industrial, commercial, institutional or other non-residential use.
 - b. The placement of dual polar panel antennas on wooden or steel utility poles not to exceed forty (40) feet in height provided that all related equipment is contained in a cabinet.
 - c. Wireless support structures erected and maintained for a period not to exceed thirty (30) days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.
 - d. The installation of wireless facilities antennas or the construction of a wireless support structure on buildings or land owned by a political subdivision of the State, other than the City of Glendale.
2. Application Procedures. Applications for administrative permits shall be made on the appropriate forms to the City Administrator and accompanied by payment of the established fee.
- a. 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, walkways, parking areas 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 wireless facility or wireless support structure.
 - b. The application shall be reviewed by the Building Inspector and Administrator to determine compliance with the above standards and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed wireless facility or wireless support structure.
 - c. The City Administrator shall issue a decision on the permit within the applicable time limits. The City Administrator 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 Section and applicable law. A decision to deny an application shall be made in writing, and state the specific reasons for denial.
3. Appeals. Appeals from the decision of the City Administrator shall be made to the Board of Adjustment.
- E. Conditional Use Permit Required. All proposals to install, build or modify wireless facility or wireless support structure not permitted by **Subsections (D) or (E)** above, shall require the

approval of a Conditional Use Permit, subject to the requirements set forth in **Section 400.1220**, except:

1. **Additional Minimum Requirements.** No conditional use permit shall be issued unless the applicant has clearly demonstrated by substantive evidence that placement of a wireless facility or support structure pursuant to **Subsection (D) “Permitted Uses”** or **Subsection (E) “Administrative Permits”** of this Section is not technologically or economically feasible. The Board of Aldermen may consider current or emerging industry standards and practices, among other information, in determining feasibility.
 2. **Additional Limitations.**
 - a. No wireless support structure shall be approved at a height exceeding one hundred fifty (150) feet AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant’s system or that of a public safety communications system of a governmental entity sharing the tower. Such showing must also be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The opinion of the consultant shall include a statement that no available alternatives exist to exceeding the height limit or the reason why such alternatives are not viable.
 - b. If the City has by order agreed to participate in a multi-municipality commission to coordinate new tower or support structure applications, an application made pursuant to this Section shall also be submitted to such commission simultaneous with the filing of the request with the City. The Plan Commission may consider any comments from such Commission, but shall not allow a delay in receiving such comments to significantly delay a decision on the conditional use permit.
- F. **Obsolete Non-Complying Tower Structures.** Any upper portion of a wireless support structure which is not occupied by active wireless facilities for a period of twelve (12) months, and any entire support structure which is not so occupied for a period of six (6) months, shall be removed at the owner’s expense. Removal of upper portions of a support structure manufactured as a signal unit shall not be required. Failure to comply with this provision shall constitute a nuisance that may be remedied by the City at the tower or property owner’s expense. To the extent permitted by law, any application for a new support structure or disguised support structure not built as a disguised part of another existing or permitted structure shall place a bond or other security with the City prior to any final approval for the purpose of removing any tower or disguised structure as required herein and to compensate the City for performing proper maintenance of such support structures or disguised support structures to ensure such structures do not become unsafe or otherwise fail to comply with the requirements of this Section. The bond or security shall be in the form approved by the City Administrator, and in the amount of fifteen thousand dollars (\$15,000.00), or such other amount as is determined by the City Administrator to satisfy the requirements hereof with regard to the specific tower or structure to which it would apply.
- G. **Commercial Operation Of Unlawful Tower Or Antennae.** Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new wireless facility, wireless

support structure or disguised support structure in violation of any provision of this Section, regardless of whether such facility or support structure is located on land owned by a governmental entity.

- H. Penalty. Any person violating this provision shall be subject to a fine of not more than five hundred dollars (\$500.00) or ninety (90) days in jail, or both. Each day the violation continues shall constitute a separate offense.
- I. Severability. If any Subsection, sentence, clause, phrase or portion of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- J. Repeal Of Laws In Conflict. This Section supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

Article XIV Certificate of Occupancy

Section 400.1410 Certificate of Occupancy Required.

[R.O. 2010 §400.820; CC 1970 §33-62; Ord. No. 1305 Art. 14 §1, 4-24-1963; Ord. No. 02-02 §1, 2-4-2002; **{Add new ordinance reference}**]

No land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate is issued by the Building Commissioner or their designee stating that the building and use comply with the provisions of this Chapter and the building and health regulations of the City. No change of use or change in the occupancy of a building unit shall be made in any building or part thereof now or hereafter erected or structurally altered without an occupancy permit being issued therefor by the Building Commissioner or their designee. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this Chapter, the Building Codes set forth in Chapter 500 of this Code of Ordinances. and health regulations of the City.

Section 400.1420 Compliance Generally.

[R.O. 2010 §400.830; CC 1970 §5-34; Ord. No. 14-75 §1, 11-25-1975; **{Add new ordinance reference}**]

It shall be unlawful for any person to occupy as owner-occupant or to let or hold out to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking or eating which is not safe, clean and fit for human occupancy and which does not comply with the particular requirements of the Zoning and Building Codes and the health regulations of the City.

Section 400.1430 Application – Issuance – Records.

[R.O. 2010 §400.840; CC 1970 §33-63; Ord. No. 1305 Art. 14 §3, 4-24-1963; **{Add new ordinance reference}**]]

Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit or upon change in occupancy of one or more occupants of a building, and shall be issued

within ten (10) days after the lawful erection or alteration of the building is completed or an inspection of such building is completed if for an existing building. A record of all certificates shall be kept on file in the office of the Building Commissioner and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Section 400.1440 Effect of Article on Continuance of Non-Conforming Uses.

[R.O. 2010 §400.850; CC 1970 §33-64; Ord. No. 1305 Art. 14 §§2, 5, 4-24-1963; {Add new ordinance reference}]

- A. Nothing in this Article shall prevent the continued occupancy of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.
- B. A certificate of occupancy shall be required of all non-conforming uses. Application for certificate of occupancy for non-conforming uses shall be filed within twelve (12) months from {Insert Date of Adoption of this Ordinance} unless a certificate of occupancy was previously issued for the occupants of such building.

Section 400.1450 Fee.

[R.O. 2010 §400.860; CC 1970 §5-63; Ord. No. 14-75 §1, 11-25-1975; Ord. No. 3-76 §1, 2-24-1976; Ord. No. B10-13 §3, 12-2-2013; {Add new ordinance reference}]

A fee of twenty-five dollars (\$25.00) shall be paid for each occupancy permit issued.

Section 400.1460 Contents – False Statements.

[R.O. 2010 §400.870; CC 1970 §5-64; Ord. No. 14-75 §1, 11-25-1975; {Add new ordinance reference}]

The occupancy permit shall state the names, ages, relationships and number of occupants of the dwelling unit. It shall be unlawful for any person to knowingly make any false statement in their application for an occupancy permit as to the names, ages, relationships or number of occupants of the dwelling unit. All persons who occupy the premises of a dwelling unit must be listed on the occupancy permit or be subject to the penalties provided in this Chapter. In the case of a business the occupancy permit shall include the name of the owner of said business along with the use of the building, number of employees, square footage of the proposed use, status of business: i.e., corporation, partnership or sole proprietor and expected hours of operation and parking spaces available.

Section 400.1470 Reporting Changes in Occupancy Required.

[R.O. 2010 §400.880; CC 1970 §5-65; Ord. No. 14-75 §1, 11-25-1975; {Add new ordinance reference}]

Every dwelling unit in which a change of occupancy is to occur must be reported by the owner to the City Hall so that the Enforcement Official may inspect the structure according to the provisions of this Chapter. Upon inspection, they shall also determine the number of occupants which can be housed in the dwelling unit without creating a health or safety hazard. The inspection performed by the Enforcement Official shall be valid for a period of one hundred twenty (120) days unless construction or alteration of the building for which a building permit was required has occurred since the last inspection of the building. Failure to make

such a report or to occupy a building without an occupancy permit shall constitute a violation of this Chapter, and the person responsible for the failure shall be subject to the penalties of this Chapter.

Section 400.1480 Responsibilities of Real Estate Brokers.

[R.O. 2010 §400.890; CC 1970 §5-66; Ord. No. 14-75 §1, 11-25-1975; {Add new ordinance reference}]

All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit which is to change occupancy so that the Enforcement Official may inspect the unit according to the provisions of this Chapter. Failure to register or make such a report shall constitute a violation of this Chapter, and the person or firm responsible for the failure shall be subject to the penalties of this Chapter.

Section 400.1490 Conditional Occupancy Permits.

[R.O. 2010 §400.900; CC 1970 §5-68; Ord. No. 14-75 §1, 11-25-1975; {Add new ordinance reference}]

A conditional occupancy permit may be issued by the Enforcement Official if, in their judgment, any deficiencies in structures covered by this Chapter would not seriously endanger the health or safety of the occupants or the community, and provided that the occupant makes an affidavit stating that he/she will correct deficiencies within a specified time and thus bring the structure into compliance with the provisions of this Chapter. The occupant may then occupy the dwelling unit while repairs are being made. At such time as the dwelling complies with all the provisions of this Chapter, an occupancy permit will be issued as provided above.

Article XV Board of Adjustment

Section 400.1510 Establishment and Organization.

[R.O. 2010 §400.910; CC 1970 §33-66; Ord. No. 1305 Art. 13 §1, 4-24-1963; Ord. No. 19-06 §1, 8-21-2006; {Add new ordinance reference}]

- A. A Board of Adjustment is hereby established. The word "Board", when used in this Article, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members, with three (3) alternate members, all of whom shall be residents appointed by the Mayor and approved by the Board of Aldermen. An approved alternate member shall be designated by the City Administrator to serve in the absence of any regular member. The term of office of the members of the Board shall be for five (5) years; except, that the membership of the first Board appointed shall serve respectively for terms of one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and Board of Aldermen upon written charges and after public hearing.
- B. The Board shall elect its own Chairman and Vice Chairman who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations, as it may deem necessary to carry into effect the provisions of this Chapter.

Section 400.1520 Meetings.

[R.O. 2010 §400.920; CC 1970 §33-67; Ord. No. 1305 Art. 13 §2, 4-24-1963; {Add new ordinance reference}]

Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in their absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 in the office of the Board 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.

Section 400.1530 Appeals Generally.

[R.O. 2010 §400.930; CC 1970 §33-68; Ord. No. 1305 Art. 13 §3, 4-24-1963; {Add new ordinance reference}]

- A. Appeals to the Board on any matter over which the Board is hereby specifically granted jurisdiction may be taken by any person aggrieved by any decision of any administrative officer of the City, by any neighborhood organization as defined in Section 32.105, RSMo., representing an aggrieved person, or by an Officer, Department, any Board or Bureau of the City affected by any decision of the Building Commissioner, or any Administrative Official in the enforcement of this Chapter. Such appeal shall be taken within forty-five (45) days of such decision by filing with the Building Commissioner, or any Administrative Official involved, and with the Board a notice of appeal specifying the grounds thereof. The Building Commissioner, or other Administrative Official involved shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from; unless the Building Commissioner, or other Administrative Official involved certifies to the Board after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Building Commissioner, or other Administrative Official involved on good cause shown.
- C. The Board shall fix a reasonable time for the hearing of the appeal, give not less than fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the same within forty-five (45). Upon the hearing, any party may appear in person or by agent or by attorney.
- D. A fee of one hundred dollars (\$100.00) shall be paid to the City Treasurer by the appellant at the time the notice of appeal is filed, which the City Treasurer shall forthwith credit to the General Revenue Fund of the City.

Section 400.1540 Powers Generally.

[R.O. 2010 §400.940; CC 1970 §33-69; Ord. No. 1305 Art. 13 §4, 4-24-1963; {Add new ordinance reference}]

A. The Board of Adjustment shall have the following powers:

1. Powers relative to errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Commissioner or other Administrative Official in the enforcement of this Chapter.
2. Powers relative to variations. The Board of Adjustment may grant area variances and use variances based on the factors set forth herein.
 - a. Area Variances. When, by reason of exceptional narrowness, shallowness or shape of a specific piece of property on April 24, 1963, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations of this Chapter would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulty or hardships.
 - b. Use Variances. The Board of Adjustment is empowered to grant use variances only upon findings that all of the following five (5) factors are established:
 - 1) The applicant will be deprived of all beneficial use of the property under any of the permitted uses in the zoning district in which the property is located, all beneficial use being lost only where the property is not suitable for any use permitted in the City's zoning ordinance for that zoning district; and
 - 2) The applicant has sufficiently demonstrated unnecessary hardship by expert testimony or documentation and not mere conclusionary or lay opinion that the property in question cannot yield a reasonable return if used only for a purpose or purposes permitted in the zoning district in which that property is located; and
 - 3) The plight of the owner is due to exceptional or unique circumstances and not due to general conditions in the neighborhood; and
 - 4) The use to be authorized by the variance would not alter the essential character of the neighborhood; and
 - 5) The proposed use to be authorized by the use variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area and would not in any other respect impair the public health, safety, comfort, morals and welfare of the City.
3. Powers relative to exceptions. Upon appeal, the Board is hereby empowered to permit the following exceptions:

- a. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, Act of God or the public enemy to the extent of less than fifty percent (50%) of its true value when the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall a permit be issued if its primary function is to continue a monopoly.
- b. To interpret the provision of this Chapter where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts.

Section 400.1550 Power on Appeal.

[R.O. 2010 §400.950; CC 1970 §33-70; Ord. No. 1305 Art. 13 §5, 4-24-1963; {Add new ordinance reference}]

In exercising the above powers, the Board of Adjustment may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals to this Chapter, the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.

Section 400.1560 Vote Necessary for Action.

[R.O. 2010 §400.960; CC 1970 §33-71; Ord. No. 1305 Art. 13 §6, 4-24-1963; {Add new ordinance reference}]

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner, or other Administrative Official or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation in this Chapter.

Section 400.1570 Appeals to Circuit Court.

[R.O. 2010 §400.970; CC 1970 §33-72; Ord. No. 1305 Art. 13 §7, 4-24-1963; {Add new ordinance reference}]

- A. Any persons jointly or severally and any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, aggrieved by any decision of the Board of Adjustment, or of any Officer, Department, Board or Bureau of the City may present to the Circuit Court having jurisdiction in the County, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
- B. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

DRAFT

Chapter 410 Off-Street Parking and Loading

Cross References — As to motor vehicle and traffic regulations generally, Title III; as to zoning regulations generally, ch. 400; as to parking regulations for "R-1" single-family dwelling districts, §400.160; as to parking regulations for "R-2" single-family dwelling districts, §400.210; as to off-street parking, loading and screening in commercial districts generally, §400.580; as to compliance with parking lot regulations in "P-1" parking districts, §400.660; as to compliance to parking lot regulations in "S-1" storage districts, §400.710.

Section 410.010 Number of Spaces Required Generally.

[R.O. 2010 §410.010; CC 1970 §20-1; Ord. No. 1367 §L.A, 6-22-1965; Ord. No. 14-7 §1, 1971; Ord. No. 12-72 §1, 6-13-1972; {Add new ordinance reference}]

1. In all districts there shall be provided at the time any building or structure is erected or structurally altered, to the extent specified in **Section 410.040**, off-street parking spaces in accordance with the following requirements:
 - a. Single-family dwelling. One (1) off-street parking space per dwelling.
 - b. Church/house of worship and institution. One (1) parking space for every four (4) seats in the main auditorium.
 - c. Community center, library, museum. Ten (10) parking spaces plus one (1) additional space for each five hundred (500) square feet of floor area in excess of two thousand (2,000) square feet.
 - d. Golf clubs. One (1) parking space for each four (4) members.
 - e. Restaurant. One (1) parking space for each two (2) seats, plus one (1) for each two (2) employees, or one (1) parking space for each one-hundred fifty (150) square feet of floor area plus one (1) space for each two (2) employees, whichever is greater.
 - f. Coffee shops, delicatessens, bakeries and ice cream parlors/malt shops; as defined in **Chapter 400** of this Code. One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
 - g. Retail store and service establishments; as defined in **Chapter 400** of this Code, and all other commercial uses except as otherwise specified herein. One (1) space for each three hundred (300) square feet of floor area exclusive of storage space provided for the use of other commercial occupants of the building.
 - h. Private club, lodge, fraternity or sorority. One (1) parking space for each four (4) members plus one (1) for each two (2) employees.

- i. Recreation or amusement place. One (1) parking space for each four (4) seats provided therein.
- j. Schools. One and one-half (1.5) parking places for each classroom.
- k. Multiple-family dwellings. Two (2) parking places for each unit.
- l. Banks, and savings and loan associations one (1) parking space for each two hundred fifty (250) square feet of floor area.
- m. General offices including professional, governmental or institutional buildings: For buildings less than fifteen thousand (15,000) square feet, four (4) stalls per one thousand (1,000) square feet of gross leasable floor area. For buildings greater than fifteen thousand (15,000) square feet, three and three-tenths (3.3) stalls per one thousand (1,000) square feet of gross leasable floor area.

Section 410.020 Conversion of Residential Building to Commercial Building.

[R.O. 2010 §410.020; CC 1970 §20-2; Ord. No. 1367 §1. B-1, 6-22-1965; {Add new ordinance reference}]

- A. Any person converting any residential building into a commercial or business building or any new structures in any "C-1" or "C-2" Commercial Zone in the City, shall provide a minimum off-street parking space in compliance with the provisions of **Section 410.010**.
- B. The foregoing are minimum space requirements and in all cases provision shall be made to accommodate the reasonable anticipated requirements of the residents, customers, patients, clients and other invitees at peak hours.

Section 410.030 Size of Parking Space.

[R.O. 2010 §410.030; CC 1970 §20-3; Ord. No. 1367 §1. C, 6-22-1965; {Add new ordinance reference}]

One (1) parking space shall be computed as an area having dimensions not less than nine (9) feet by nineteen (19) feet, which is suitable to parking an automobile, plus an adequate drive aisle for access.

Section 410.040 Computation of Parking Spaces.

[R.O. 2010 §410.040; CC 1970 §20-4; Ord. No. 1367 §2, 6-22-1965; {Add new ordinance reference}]

- A. In computing the number of parking spaces required, the following rules shall govern:
 - 1. Where fractional spaces result, the parking spaces required shall be the next whole number.
 - 2. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - 3. Whenever a building or use constructed or established after {Insert Date of Adoption of this Ordinance}, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an aggregate increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be

provided on the basis of the enlargement or change. Whenever a building or use existing prior to such date is reconstructed or is enlarged to the aggregate extent of twenty percent (20%) or more in floor area, the building or use in its entirety shall then and thereafter comply with the parking requirements set forth in this Chapter.

Section 410.050 Location of Parking Spaces.

[R.O. 2010 §410.050; CC 1970 §20-5; Ord. No. 1367 §3, 6-22-1965; {Add new ordinance reference}]

The parking space required in this Chapter for residential buildings shall be located on the same lot with the building served. The parking spaces required for any other building or use may be located on an area within three hundred (300) feet of the building or two (2) or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which the parking spaces are provided, shall be restricted by an instrument of record describing the premises for which the parking is provided and assuring the retention of such parking so long as required by this Chapter.

Section 410.060 Approval of Plans — Construction Standards and Requirements.

[R.O. 2010 §410.060; CC 1970 §20-6; Ord. No. 1367 §4, 6-22-1965; {Add new ordinance reference}]

- A. Before the construction, maintenance, change, operation or improvement of a parking lot, the owner or operator thereof shall submit preliminary plans and specifications for the recommendation of the Plan Commission and shall then submit same for the approval of the Metropolitan Sewer District. Such plans must be first approved by the Metropolitan Sewer District. The approved plans shall be submitted to the Plan Commission for its recommendation and shall then be submitted to the Board of Aldermen for its approval. Such submission shall include a statement regarding proposed methods of maintenance and operation. No lot shall be changed, used or constructed unless approved by the Board of Aldermen. No permit shall be issued therefor unless the parking lot conforms to the following standards and requirements:
1. Such lot shall be surfaced either with five (5) inches of concrete or with not less than six (6) inches of compacted crushed stone and not less than one and one-half (1½) inches of compacted asphaltic concrete or any surfacing that is equal or superior to either of these types.
 2. Adequate provision shall be made for the disposal of storm water and the Metropolitan Sewer District shall insure that such water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
 3. A structurally sound wall or other abutment, approved by the City Engineer and Building Official to ensure safety, shall be installed around each side of the parking lot wherever the lot adjoins a public street, sidewalk or alley. An adequate retaining wall wherever necessary to prevent the washing of soil to and from adjoining property and a wall or screen of such height and character as are necessary for adequate screening of the parking lot from

adjacent property shall also be provided to meet requirements as recommended by Plan Commission and approved by the Board of Aldermen.

4. On all parking lots fronting or abutting on any street in the City, the location, width, method of construction and grades of entrances and exits to and from the lot shall be subject to the recommendation of the Plan Commission and the approval of the Board of Aldermen, but there shall not be more than one (1) entrance and one (1) exit, or one (1) combined exit and entrance, along any one (1) street unless the same is deemed necessary by the Board of Aldermen for the alleviation of traffic congestion and preventing interference with traffic movement along such street; provided further, that in the case of any parking lot located at the intersection of two (2) or more streets any one of which shall be in the City, the Board of Aldermen shall have the authority to require that the entrance and exit shall be limited to one (1) of such streets or shall have authority to prohibit entrance and exit on one of such streets or to require that the exit shall be on one (1) street and the entrance on another and to control the direction of turn into and from such lots. In making its determinations under this Subparagraph, the Board of Aldermen shall take into account the relative traffic congestion on the two (2) streets, visibility, interference with traffic movement of such entrances and exits, location of the building being served by such lot, pedestrian traffic and traffic safety on the streets abutting on such proposed parking lot.
5. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs or by markers or other similar measures placed in the surfacing, where required by the Plan Commission.
6. Wherever the parking lots are to be used during darkness, a system of lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All lights shall be shielded, so that minimum glare will extend to adjacent property. The construction and operation of lighting shall meet the recommendations of the City Engineer and Plan Commission and be approved by the Board of Aldermen.
7. The planting of trees, shrubs or grass shall be recommended by the Plan Commission and approved by the Board of Aldermen, except where they deem that such planting will not be in the best interests of the City.
8. In the event that any parking space or lot in the “C-2” District shall front on any street, there shall be provided a minimum setback from the street easement of ten (10) feet, except when fronting on Manchester and Sappington Roads, where the setback shall be five (5) feet. No parking shall be permitted in such setback area. Such setback area shall be so constructed or fenced so as to prevent any portion of any parked car from intruding, invading or overhanging any portion of such setback area. Such proposed construction or fencing shall be submitted in writing to the Board of Aldermen at the time of the application for a building permit or for the use of such area and must be approved before such area can be used. Such setback area shall be constructed and maintained as a greenbelt suitably planted and such proposed planting shall be submitted in writing to the Board of Aldermen for its approval as to planting construction and entrances at the time of application for a building permit and must be approved before such area can be used. All such construction

and planting shall be satisfactorily completed before an occupancy permit is issued. The Board of Aldermen shall maintain continuing control over such area and shall prevent any shrubs, trees or other planting from being of such height or location as to constitute a safety hazard, and the Board of Aldermen shall have the right to compel the owner to maintain the strip properly cut and trimmed.

9. Parking spaces or lots shall not be permitted in between the building front façade and Sappington Road in any “C-1” District.
10. The parking lot shall be maintained in a manner to keep it as free as practicable from dust, paper and other loose particles and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes and the Board of Aldermen shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.
11. No residential property may be used as parking space for any class "C-1", "C-2", "C-3", "C-4", or "C-5" commercial property.

Section 410.070 Compliance With Chapter and Zoning Regulations.

[R.O. 2010 §410.070; CC 1970 §20-7; Ord. No. 1367 §5, 6-22-1965; {Add new ordinance reference}]

No building permits or occupancy permits shall be issued to anyone unless there is compliance with the provisions of this Chapter and the Zoning Regulations of the City. Minor variations may be permitted by the Board of Aldermen; provided, that the spirit of this Chapter is substantially complied with in the case of any hardship.

Section 410.080 Parking Lots Existing on {Insert Date of Adoption of this Ordinance}, Etc.

[R.O. 2010 §410.080; CC 1970 §20-8; Ord. No. 1367 §6, 6-22-1965; {Add new ordinance reference}]

All parking lots being maintained on {Insert Date of Adoption of this Ordinance}, or at the time of adoption of an amendment hereto shall be brought into compliance with the standards established in **Section 410.060** within one (1) year after {Insert Date of Adoption of this Ordinance}. The Board of Aldermen shall have the authority to prohibit the use of such parking lots after the one (1) year period until compliance with such standards is effected.

Section 410.090 Loading Space Requirements.

[R.O. 2010 §410.090; CC 1970 §20-9; Ord. No. 1367 §7, 6-22-1965; {Add new ordinance reference}]

- A. Every building or part thereof erected or occupied for retail business, motel or any other use similarly involving the receipt of distribution by vehicles of materials or merchandise, shall provide and maintain, on the same premises, loading space in accordance with the following requirements:
 1. In the "C-1" Neighborhood Commercial District, one (1) loading space for each five thousand (5,000) square feet or fraction thereof, of floor area in the building.
 2. In the "C-2" Corridor Mixed-Use Districts, and non-residential uses in residential areas, one (1) loading space for the first (1st) five (5,000) thousand to ten thousand (10,000) square feet of floor area in the building and one (1) additional loading space for each ten thousand (10,000) square feet or fraction thereof, of floor area in excess of ten thousand (10,000) square feet.

Section 410.100 Parking on Residential Property.

[R.O. 2010 §410.100; CC 1970 §20-10; Ord. No. 4-73 §1, 1-23-1973; {Add new ordinance reference}]

No parking shall be permitted on residential property except on a hard surfaced driveway or other hard surface. "Hard surfaced" shall be defined as having a minimum of four inches (4) of crushed stone or a hard paved surface such as asphalt, concrete or brick. Anyone desiring to construct a hard surface on any portion of the public right-of-way shall first apply for a permit for such purpose. No permit shall be granted to construct a hard surface on any portion of the public right-of-way, except that portion contained in the driveway for such residence.

Section 410.110 Injunctive Power of City to Enforce Chapter.

[R.O. 2010 §410.110; CC 1970 §20-11; Ord. No. 1367 §8, 6-22-1965; {Add new ordinance reference}]

In the event that any person shall fail to comply with the requirements of this Chapter after due notice the City may secure an injunction to prohibit the same. In addition to the previous powers herein provided in the City, each days violation shall constitute a misdemeanor.

Section 410.120 Conversion Table, Chapter 410 Prior to {Insert Date of Adoption of this Ordinance} Converted to Chapter 410 After {Insert Date of Adoption of this Ordinance}

This conversion table enumerates the conversion of Chapter 400 Zoning Regulations from the version that existed prior to {Insert Date of Adoption of this Ordinance} to the current version, adopted on {Insert Date of Adoption of this Ordinance} by Ordinance Number {insert new ordinance number}, as follows:

Section Number, Previous Chapter 410	Previous Section Removed?	Section Converted		New Section Added	Section Number, Current Chapter 410
		Amended	Not Amended		
410.010		●			410.010
410.020		●			410.020
410.030			●		410.030
410.040			●		410.040

410.050			●		410.050
410.060			●		410.060
410.070			●		410.070
410.080		●			410.080
410.090		●			410.090
400.100			●		400.100
400.110			●		400.110
				●	400.120

DRAFT