

1st Reading: October 27, 2016
2nd Reading: October 27, 2016

SPONSOR: GLICK

ORDINANCE NO. 3631

BILL NO. 16-68

AN ORDINANCE REPEALING SECTION 400.030 OF CHAPTER 400 AND ENACTING A NEW SECTION 400.030; REPEALING SECTIONS 445.030 AND 445.040 OF CHAPTER 445 AND ENACTING A NEW SECTION 445.030; AND REPEALING CHAPTER 460 AND ENACTING A NEW CHAPTER 460 OF THE ZONING CODE OF THE CITY OF FENTON, MISSOURI ALL RELATED TO ACCESSORY USES.

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on January 5, 2016, in compliance with the City Code and Chapter 89 RSMo. relating to proposed amendments to Section 400.030 of Chapter 400, Sections 445.030 and 445.040 of Chapter 445 and Chapter 460 all related to accessory uses of the Zoning Code of the City of Fenton, Missouri; and

WHEREAS, the Planning and Zoning Commission continued discussions of the proposed amendments concerning accessory uses and held public hearings for same at their March 1, April 6, May 3, June 7, July 5, and August 3, 2016 meetings. The Planning and Zoning Commission held a Workshop open to the public on August 16, 2016 to discuss the proposed amendments, and discussions continued at a public hearing on September 6, 2016, and on October 4, 2016, a public hearing was held for the final review of same; and

WHEREAS, the Commission has made a recommendation to the Board of Aldermen that said amendments be approved; and

WHEREAS, the Board of Aldermen finds it in the best interest of the City to approve a new Section 400.030 of Chapter 400, a new Section 445.030 of Chapter 445 and a new Chapter 460 all related to accessory uses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. Section 400.030, Definitions of Chapter 400 of the City of Fenton Zoning Code is hereby amended by repealing Section 400.030 in its entirety and enacting a new Section 400.030 substantially in the form of Exhibit A, attached hereto and incorporated herein.

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Section 2. Section 445.030 and Section 445.040 of Chapter 445 of the City of Fenton Zoning Code are hereby amended by repealing Section 400.030 and Section 445.040 in their entirety and enacting a new Section 445.030 substantially in the form of Exhibit B, attached hereto and incorporated herein.

Section 3. Chapter 460 of the City of Fenton Zoning Code is hereby amended by repealing Chapter 460 in its entirety and enacting a new Chapter 460 substantially in the form of Exhibit C, attached hereto and incorporated herein.

Section 4. If any clause, word, paragraph, section or other part or portion of this Ordinance is held to be invalid, illegal or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect after the date of its passage and approval.

PASSED this 27th day of October, 2016.


MICHAEL D. POLIZZI, MAYOR

APPROVED this 27th day of October, 2016.


MICHAEL D. POLIZZI, MAYOR

ATTEST:


Diane S. Monteleone, City Clerk

Motion to approve. Roll Call vote:

Ayes: Bade, Sobey, Voyles, Maurath, Clauss, Borgard, Patton, Glick

Nays: 0

Absent: 0

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EXHIBIT A

Section 400.030. Definitions.

ABUTS/ABUTTING — Having a common lot line or district line.

ACCESS WAY — A curb cut, ramp, driveway or other means for providing specific vehicular access to an off-street parking or loading area. This definition does not include bikeway or walkway.

ACCESSORY BUILDINGS AND STRUCTURES — Any building or structure, the use of which is incidental to, subordinate in size or purpose, and customarily in conjunction with the principal structure or use, and is located on the same lot as the principal structure or use.

Except as otherwise provided for within this Title IV, any accessory building or structure attached to the Principal Building shall be considered as part of the principal building and shall comply with the minimum Setback requirements of the Zoning District in which the Principal Building is located.

ACCESSORY USE — A subordinate use of a building or land which is incidental to the principal use, customarily associated with the principal use, and located on the same lot as the principal building, structure or use.

Except as otherwise provided within this Title IV, any building or structure housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the principal structure.

AIRPORT — An area for the landing or taking off of aircraft, containing two (2) or more runways of a least two thousand (2,000) feet in length, possessing facilities for the storage, servicing or repairing of aircraft, and open to public use, but not to all types of aircraft.

AISLE — A vehicular traffic way within an off-street parking area. Also is used as a means of ingress/egress from parking spaces.

ALLEY — A public thoroughfare which affords only a secondary means of access to abutting property.

ALTER — To change the size, shape or use of a structure.

APARTMENT — A room or suite of rooms in a building intended or designed for use as a single dwelling unit, provided with separate cooking and sanitary facilities.

APPLICANT — Any person, corporation or other legal entity with the written consent of the owner seeking approval under these regulations.

ART DEALER — An establishment or place of business engaged in the sale of works of art.

ARTISAN AND PHOTOGRAPH STUDIO AND GALLERY — The workshop or studio of an artist, craftsman, sculptor or photographer, which workshop is primarily used for on-site production of unique custom goods through the use of hand tools or small-scale equipment, and only incidentally used, on an infrequent basis if at all, as an accessory gallery or for incidental sales.

ASPHALT — A bituminous material (oil-based); usually refers to concrete made with sand, gravel and a bituminous binder.

ATTACHED — As applied to buildings, "*attached*" means having a common wall and/or a common roof.

AUTOMOTIVE REPAIR SHOP — An establishment where automobiles are repaired by auto mechanics. Services provided may include repair work such as engine replacement, body and fender repair and/or spray-painting.

BACKFILL — Soil deposited in excessive part of an excavation after completion of construction in the excavation.

BAKERIES AND BAKE SHOP — A store in which baked goods, such as bread, cake and pastry, are made and sold at retail for consumption off the premises.

BASEMENT — A floored and walled substructure of a building at least fifty percent (50%) below the average finished grade of the building. A basement shall not be included in computing the number of stories for the purpose of height regulations unless it is subdivided, rented, sold or leased for dwelling purposes.

BED AND BREAKFAST INN — An establishment or place of business consisting of between one (1) and twelve (12) guest rooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation and making available services normally provided by hotels.

BLOCK — A tract of land bounded by streets or a combination of street, railroad or other rights-of-way, parks or other similar uses.

BOARD — The City of Fenton Board of Aldermen, unless specifically noted as the City of Fenton Board of Adjustment.

BOUNDARY ADJUSTMENT — The adjustment to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites. The adjustment can be accomplished by plat or deed and must be reviewed by the Community Development Department prior to recording with the Recorder of Deeds of St. Louis County. No new lots shall be created by a boundary adjustment or shall the lots be reduced below the minimum size and dimensions as required by the Zoning Code.

BUFFER STRIP — An area of land undeveloped (except for landscaping, fences and/or open space) used to protect a use situated on one (1) lot from the deleterious effects of a use on an adjacent lot.

BUILDING — Any covered structure permanently affixed to land and designed or used to shelter persons, chattels or property.

BUILDING BASE — The bottom of a building, including its foundation.

BUILDING CODE — Set of regulations affecting building design and construction.

BUILDING FOOTPRINT — The outline of a horizontal section of the structure, usually at the ground plane.

BUILDING HEIGHT — The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof. Also means the height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections shall not be included in calculating building heights.

BUILDING LINE — The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street property line.

BUILDING/SITE RELATIONS — The interactive relationships between a building and the site it occupies.

BULK — Any one (1) or any combination of the following structural or site design characteristics:

1. Size or height of structure;
2. Location of exterior walls at all levels in relation to lot lines, streets or other structures;
3. Lot area; and
4. Yards or setbacks.

CARPORT — A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

CHANNEL — A natural or manmade device, creek or waterway for conveying flowing surface water.

CITY — The City of Fenton.

CITY OFFICIALS — Mayor, Board of Aldermen and/or personnel authorized by them.

CLUB AND CIVIC LODGE — An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities,

characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

COMMERCIAL USE (INCLUDES ESTABLISHMENT) — Any use or establishment wherein goods and services are purchased or sold to either the consuming public (retail) or to other businesses (wholesale).

COMMISSION — The Planning and Zoning Commission of the City of Fenton.

COMPACTION — Action that tends to lower the void ration and increase the density of a soil mass; generally refers to compacting it into a lesser volume.

COMPREHENSIVE PLAN — The Master City Plan or Master Comprehensive Plan approved by the Board of Aldermen which addresses future needs and the specific future uses of land within the City of Fenton.

CONFORMING USE — Uses which are in compliance with the applicable provisions of this Code.

CONSERVATION PLAN — A plan that illustrates the procedure for preserving trees and/or other natural areas within a site development plan.

CONSTRUCTION PLAN — Plan of a building or site showing the position, form, dimensions and other required data for proposed construction.

CONTOURS — Lines on a site plan which represent points of the same elevation as referenced to a ground surface.

CRAFTSMEN AND HANDIWORK SHOP — An establishment or place of business engaged in the assembly and crafting of parts and materials by an individual or group of individuals expressing artistic, creative and natural talents.

DAY CARE FACILITY — A house or other place conducted or maintained by any person who advertises or holds himself/herself out as providing care for more than four (4) persons during the daytime, for compensation or otherwise, except those operated by a school system, but a Day Care Facility shall not include any private or religious organization, elementary or secondary school, a religious organization academic preschool or kindergarten, or a home school. Day Care Facilities shall be state certified. Terms associated with Day Care Facilities shall be defined as follows:

1. *Day Care Home.* A family home occupied by the day care provider in which family-like care is given to no more than four (4) persons not related to the day care provider for any part of the twenty-four (24) hour day without overnight stays.
2. *Day Care, Group.* A building occupied by a day care provider that receives more than four (4) but fewer than twenty (20) persons for care for any part of a twenty-four (24) hour day without overnight stays.

3. *Day Care Center*. A building occupied by a day care provider that receives twenty (20) or more persons for care for any part of a twenty-four (24) hour day without overnight stays.

DECK – A flat floored platform not set into but raised above the ground or finished grade at least twelve (12) inches, serving as a floor, which is usually, but not necessarily, made of treated and untreated woods and polyvinyl boards and attached to a wall.

DEDICATION — The allocation of land within development for non-development purposes related to the community's residents or those of the development. This type of dedication will usually include, but is not limited to, bike trails, parks, lakes or common ground.

DENSITY — The amount of something per unit area measure. Habitation units per square feet of area.

DEPARTMENT STORE — A large retail store offering a variety of merchandise organized in separate departments.

DETACHED — As applied to buildings, "*detached*" means surrounded by yards on the same lot as the primary structure.

DETENTION POND — A drainage facility consisting of a customarily dry basin designed to accept and hold stormwater and release it gradually at no greater rate than the pre-development flow rate (or other approved release rate) to prevent flooding of adjacent land and reduce stream erosion. (Also see *RETENTION POND*.)

DEVELOPER — Commonly known as the person or company responsible for the change in development of the land.

DEVELOPMENT — To erect any structure or to install any improvements on a tract of land or to undertake any activity such as grading or site preparation for the purpose of occupancy.

DIMENSIONS — Refers to both lot depth and lot width measured to the nearest foot or inch.

DIRECTOR, COMMUNITY DEVELOPMENT — The official appointed by the Mayor of Fenton with the approval and consent of the Board of Aldermen to administer this Code or their delegated representative.

DISCOUNT STORE — A store that sells merchandise, especially consumer goods, at a discount from the manufacturer's suggested retail price.

DISTILLERY – An establishment that produces alcoholic beverages through distillation in quantities not to exceed five thousand (5,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items.

DISTRICT (ZONING) — A portion of the land within the City limits of the City of Fenton wherein certain uniform requirements or various combinations thereof apply to structures, lots and land uses under the terms of this Code.

DITCH — An open channel conveying surface water flow with side slopes of 6:1 or steeper (not to exceed 3:1).

DRIVE-THROUGH FACILITY — A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle.

DRIVEWAY — A minor way commonly providing vehicular access to a garage or off-street parking area.

DWELLING — Any building or portion thereof used exclusively for human habitations, except hotels, motels or house trailers.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof designed exclusively for three (3) or more families.

DWELLING, SINGLE-FAMILY — A detached building containing one (1) dwelling unit, provided, however, notwithstanding any other provisions of this Code to the contrary, for the purposes of this Chapter a group home and foster home shall be included in the definition of a single-family home.

DWELLING, SINGLE-FAMILY ATTACHED — Two (2) or more single-family dwellings sharing common wall areas, each dwelling having its own lot.

DWELLING, TWO-FAMILY — A building designed for or occupied exclusively by two (2) families living independently of each other and being on a single lot.

EASEMENT — A right to use another person's real property for certain limited purposes. Such examples include road or utility maintenance/improvement granted by property owner to City, County, State for the purpose of maintenance, improvements or widening.

ELEVATION — The external face of the principal building or structure on a lot.

ELEVATION, FRONT — The elevation of a building that is architecturally designed and constructed as the front façade of a building as determined by the Director.

ELEVATION, REAR — The elevation of a building that is most closely opposite of the front elevation.

ELEVATION LINE, FRONT — A line that follows the contours of the elevation of the principal building facing the front lot line and that extends out from the corners of that elevation on a line generally parallel to the front lot line to the lot lines intersecting the applicable front lot line.

ELEVATION LINE, REAR — A line that follows the contours of the elevation of the principal building facing the rear lot line and that extends out from the corners of that elevation on a line generally parallel to the front lot line to the lot lines that intersect (or form a vertex at) the rear lot line.

ENGINEER — The duly designated engineer for the City.

ENLARGE — To increase the size such as floor area or height of an existing principal structure or accessory use. Also can include devoting more land to an existing use.

ENTERTAINMENT FACILITY OR THEATER — A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances. For the purposes of this chapter, Adult Theater, Adult Arcade and Adult Cabaret as defined in Section 456.010, shall not be included in the definition of Entertainment Facility or Theater.

EQUIPMENT — The tools, stock or apparatus of a business used only in doing business. Not for sale, promotion or storage.

EROSION — Progressive loss of a soil mass usually due to or by flowing water.

FAMILY — One (1) or more persons who are related by blood, marriage or adoption (including foster care), living together and occupying a single dwelling unit, or a group of not more than three (3) persons living together on a non-profit, cost-share basis.

F.E.M.A. — Federal Emergency Management Agency. An office of the Federal Government that deals with flood impact management.

FENCING — A structure functioning as a boundary or barrier made of post, wire or rails. Fencing materials may include wood, plastic or other synthetic materials, woven fabric, chain-link or masonry elements.

FENCING, BLIND — Fencing which is used to block or shield the visibility of outdoor storage of equipment or materials including storage containers from the street and property immediately adjacent to the subject site.

FENCING, CHAIN-LINK — A series of interlinked (open mesh) metal links of thick (or heavy) gauge wire supported by metal posts used to confine, restrain or secure.

FILL — Buildup of the site surface above the original grade. Soil deposit produced by other than natural effects.

FILLING STATION — Any structure or premises used for dispensing of or sale at retail of vehicle fuels or lubricants. This shall include lubrication of vehicles and replacement or installation of minor parts and accessories. This does not include establishments primarily engaged in major repair work such as engine replacement, body and fender repair and/or spray-

painting.

FINAL PLAT — A complete and exact plan of subdivision prepared for official recording as required by law.

FINANCIAL INSTITUTION — A State or Federally chartered bank, savings association, credit union or industrial land company located in a building which provides for the custody, loan, exchange or issue of money, extension of credit, or facilitating the transmission of funds, which may include accessory drive-up units on the same premises, but does not include Pawnshops and Small Loan Businesses.

FLOOD ELEVATION — The water surfaces elevation of the most severe flood that on the basis of Corps of Engineers' data may be expected to occur once every one hundred (100) years. (Also known as the "100-year" flood.)

FLOOD HAZARD BOUNDARY MAP (FHBM) AND FLOOD INSURANCE RATE MAP (FIRM) — An official map of the City of Fenton on which the Flood Insurance Study has delineated the flood hazard boundaries and the zoning establishing insurance rates applicable to the City within these boundaries.

FLOOD INSURANCE STUDY — An official report provided by the Federal Insurance Administration containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FOSTER HOME — A private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.

FREEWAY — A roadway solely devoted to vehicular traffic, with no parallel walks, crossed by totally grade-separated intersections at wide intervals and having no frontage access.

FRONTAGE — The lineal extent of the front or street side of a lot.

FUNERAL HOME — A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or service related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

GARAGE (PRIVATE) — An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or that space therein for more than one (1) car is leased to a non-resident of the premises.

GARAGE (PUBLIC) — Any garage that is not classified as a private garage and is used for inside storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles. However, a "public garage" shall not be used for the storage of dismantled motor vehicles.

GARAGE (STORAGE) — Any building or premises, except those used as a private garage, used

gutters, sidewalks, road signs, lights, trees and other appropriate actions required to render land suitable for the use proposed.

INDUSTRIAL OR BUSINESS PARK — A tract of land which is planned as a whole for use by businesses with large lot sizes for planned expansion of each business. These businesses will normally own or control individual lots within the development tract. They will by virtue of such unified planning and development receive greater amenities and/or lower individual development costs. A "park" may contain one (1) type of use or a variety of uses within its zoning class.

INTERSECTION — The point at which two (2) or more public rights-of-way meet.

LANDSCAPING — Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put.

LIMITED INDOOR RECREATION FACILITY — Indoor recreation facilities established primarily for such activities as exercise or athletic facilities; and amusement or recreational services, such as billiard hall not serving alcohol, pinball/video arcades, miniature golf, dance studios, martial art schools, arts or crafts studios; or exercise clubs, bowling alleys not serving alcohol, indoor golfing ranges, batting cages, ice skating and roller skating rinks, but not including establishments which have large-scale gymnasium-type facilities for such activities as tennis, basketball or competitive swimming.

LIMITED OUTDOOR RECREATION FACILITY— Outdoor recreation facilities established primarily for such activities as exercise or athletic facilities; and amusement or recreational services, such as miniature golf, bumper boating, batting cages, and go-carts.

LOADING SPACE — An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT— A platted parcel of land intended to be separately owned, developed and otherwise used as a unit. The word lot shall include the word "plot", "tract" or "parcel". The derivations of a lot shall maintain the following definitions.

LOT AREA — The area of a horizontal plane bounded by the front, side and rear lines of a lot.

LOT, CORNER — A lot, or portion thereof, situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT DEPTH — The average distances between the front and rear lot lines.

LOT, FLAG — A residential lot with two (2) discernible portions described as follows:
1. *Access portion.* That portion of the lot having frontage on or abutting a public road, with the frontage being sufficient in width for a private drive to serve the building site portion.

for equipping, repairing, hiring, selling or storing motor-driven vehicles.

GOVERNMENT ADMINISTRATIVE BUILDING — A building in which government affairs, predominantly administrative, professional, clerical or other services, are performed and which is designed to serve patrons at the site or to encourage patrons to walk up or park and leave their vehicles briefly to handle governmental business or affairs. Typical uses include fire stations, Police sub-stations, and City Hall.

GRADE — Elevation of the ground surface at some location which is often qualified as the original grade and/or the finished grade. This definition also includes slope of the ground surface (angle from the horizontal) at some location, commonly called gradient.

GROSS FLOOR AREA — The sum of the gross horizontal areas of the floors of a building measured from the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment and enclosed porches.

GROUND COVER — Anything besides soil used to produce a site surface; usually refers to surface-spreading plants, such as grass or ivy.

GROUP HOME — A home for eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped person residing in the home.

HARDSHIP — A condition caused by peculiar characteristics of a tract of land which prevents strict compliance with these regulations; does not include personal or economic disadvantages or self-created conditions.

HEALTH AND MEMBERSHIP CLUB — An establishment that is open to members and guests and that provides facilities for at least two (2) of the following: aerobic exercises, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as saunas, showers and lockers.

HEARING, PUBLIC — A meeting whereby the public will be heard regarding changes in zoning, uses, codes, etc.

HOME OCCUPATION — An activity conducted in a dwelling unit or an accessory building or structure of a dwelling unit as an economic enterprise or for financial gain by members of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HOTEL — A building in which lodging or boarding and lodging are offered to the public for compensation. A hotel may include restaurants, taverns or clubrooms, public banquet halls, ballrooms and meeting rooms as accessory uses only.

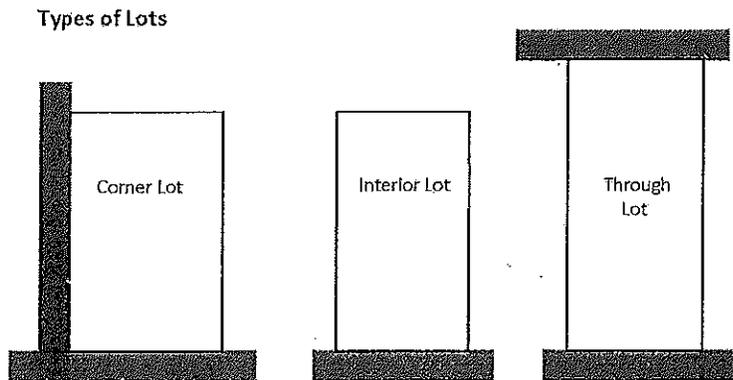
IMPROVEMENTS — Grading, sanitary and storm sewer, water mains, pavements, curbs and

2. *Building site portion.* That portion of the lot not fronting on or abutting a public road, but connected to a public road by the access portion of the lot.

LOT, INTERIOR — Any lot other than a through or corner lot.

LOT, THROUGH — A lot other than a corner lot which has a street on two (2) opposite sides of the lot (Also known as a “double-frontage” lot).

LOT WIDTH — The horizontal distance between the lot lines perpendicular to the front lot line, measured at right angles to the lot depth at the building lines.



LOT-BY-LOT DEVELOPMENT — The conventional approach to development in which each lot is treated as a separate development unit conforming to all land-use, density and bulk requirements of the zoning district.

LOT LINE — A line dividing one lot from another, or from a public or private street right-of-way or any other public right-of-way (also see Property Line). The derivations or modifications of a lot line shall maintain the following definitions:

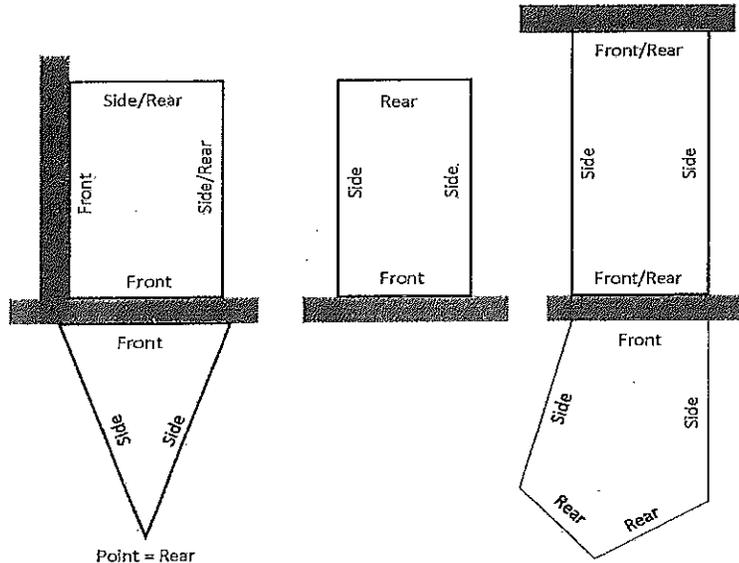
LOT LINE, FRONT — The line separating the lot from the right-of-way of the street on which it fronts.

LOT LINE, REAR — The line or lines that are most closely parallel to the front lot line. On a corner lot in Residential Districts, one side lot line may be established in lieu of a rear lot line; provided that, in no case may the rear lot line that is mostly parallel with the rear elevation of the principal building be established as a side lot line in lieu of the rear lot line. On through lots in the Residential District, one rear lot line may be established in lieu of a front lot line; provided that the rear lot line established in lieu of a front lot line is the line most parallel with the rear elevation of the principal building.

LOT LINE, SIDE — Any lot line that intersects with the front lot line and is not a front lot line or rear lot line. On an interior lot that is triangular in shape, the vertex of the side lot lines is considered to be a rear lot line parallel with the rear elevation of the principal building.

building.

Types of Lot Lines



LOT OF RECORD — A lot shown upon a plan of a subdivision or upon a plat which is attached to or to which reference is made on a deed recorded in the Office of the Recorder of Deeds of St. Louis County.

LOUNGE — Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefore by law. A lounge can also coincide with the sale of food for consumption on the premises.

MAJOR ARTERIAL OR HIGHWAY — Major activity streets which connect population concentrations and provide rapid vehicular travel between cities and development areas.

MANUFACTURING — The mass production of parts and components into finished products of added value utilizing the same specifications to ensure product uniformity and consistency. The manufacturing process typically involves a mechanized system operated by a labor force organized to complete the assembly of the products.

MAXIMUM — Qualification as the most extensive or the most that will be allowed.

MICROBREWERY — A business whose primary activity is the brewing and selling of beer with an annual production of fifteen thousand (15,000) barrels or less. A microbrewery may sell beer by the drink for consumption on the brewery premises, in the original package for off-premises consumption and to duly licensed wholesalers subject to applicable State liquor laws.

MINIMAL — Qualification as the least favorable or the least that can be expected for a given situation.

MODULAR UNIT — Factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

M.S.D. — The Metropolitan St. Louis Sewer District.

NON-CONFORMING USE OR STRUCTURE — A building, structure or use of land existing at the time of enactment of this Code and which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME — Any premises, other than a hospital or residential substance abuse treatment center, which provides twenty-four (24) hour personal and health care, accommodation and board to individuals under the daily supervision of a licensed nurse and the supervision of a licensed physician, including "Residential Care Facilities I and II", and "Intermediate Care Facility" or a "Skilled Nursing Facility" as defined by Chapter 198, RSMo.

OFFICE — Any building, or portion thereof, in which the business of a commercial, industrial, service enterprise or professional person is transacted.

OFFICE, GENERAL — An establishment providing executive, management, administrative or professional services, but not medical, mental health services or dental services or the sale of merchandise, except as accessory to a permitted primary use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

OFFICE, MEDICAL — A business establishment of one (1) or more physicians, dentists or other health practitioners providing medical services in a specific area of health care, organized as a single business entity, and lawfully established for medical or dental consultation to persons on an outpatient basis. This includes mental health care services and physical therapy offices, clinics and facilities.

OPTIMAL — Qualification as the most favorable or the most that can be expected for a given situation.

OUTDOOR STORAGE — The unroofed area outside of a business used to store equipment and materials or items other than properly licensed vehicles or equipment capable of traveling on the public roadways. The equipment and materials stored outdoors must be a necessary and integral function in the operation of the business including equipment and materials stored temporarily for an off-site job site.

OUTDOOR STORAGE CONTAINERS — Containers customarily used in the transport of goods, equipment and material used to store those goods, equipment and material on the lot of a business or company. These storage devices may be used for either temporary or long-term storage.

PARKING — The temporary storage of properly licensed vehicles or equipment capable of traveling on the public roadways.

PARKING AREA (INCLUDES LOT OR OFF-STREET PARKING) — Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles. An "off-street parking area", depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING STALL — Area assigned to a single vehicle for parking.

PATIO — A level unenclosed surfaced area, not exceeding twelve (12) inches in height, located at the finished grade that is usually directly adjacent to a building.

PAVEMENT — Structural surfacing of the ground for walks, drives, parking lots and roads.

PAWNSHOP — An establishment engaged in the buying and selling of new and secondhand merchandise and offering loans secured by personal property.

PERSONAL AND BUSINESS SERVICE SHOP — Shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, mailing or copy and printing shops and sign shops.

PLANTINGS — A set of growing plants used to develop the landscaping for a site.

PLAT — A map, plan or layout of a City, township, section or subdivision indicating the location and boundaries of individual properties.

PLAT (FINAL) — A map of land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications and acceptances and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas and other dimensions of land.

PLAT (PRELIMINARY) — A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land. This proposed land subdivision must be submitted in accordance with all requirements of this Code.

PLOT — A parcel of land consisting of one (1) or more lots or portions thereof which is described by reference to a recorded plat.

POST OFFICES / SHIPPING STORE — The United States Post Office or shipping packing store where no warehousing and distribution is involved.

PORCH — A platform, that may be enclosed and/or covered by a roof, projecting from the wall of a building with direct access to or from a building.

PRINCIPAL BUILDING OR STRUCTURE — The main building or structure erected on or the principal use occupying a lot, as distinguished from an accessory structure or use.

PRINCIPAL USE — The primary or predominate use of land, building or structure.

PRIVATE RESTRICTIONS — Private restriction or trust indenture is a recordable document which is used for the purpose of maintaining commonly owned property and/or facilities.

PROPERTY — A piece of real estate made up of one (1) or more than one (1) contiguous lots under a unity of ownership and use.

PROPERTY LINE — A legally recorded boundary of a lot.

PUBLIC BUILDING — A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the Federal, State or local government.

RECONTOURING — Manipulation of the existing contours on a site plan as part of the design for re-grading the site surface.

RECREATIONAL FACILITY — A building and/or premises designed and used to provide or accommodate public activity in pursuit of physical fitness and a diversity of recreational pursuits. The building and properties shall be public or private and owned by a non-profit organization.

RESTAURANT — A place of business where prepared food and beverages are sold for consumption within the building or away from the premises.

RESUBDIVISION — Any change in the plat or description of an approved or recorded subdivision, including a subdivision predating the adoption of regulations controlling the division of land, if such change affects any lot line, road layout or area reserved for public use.

RETAIL, GENERAL LIGHT — An establishment that operates as fixed point-of-sale locations, which are designed to attract a high volume of walk-in customers, where manufactured or processed merchandise such as apparel, accessories, small wares, books, toys, clothing or shoes are purchased by the owner or operator thereof and displayed and resold as new merchandise to the general public for personal or household consumption. It does not include an establishment where food is processed, prepared or cooked for consumption and sale, Department or Discount Stores, Pawnshops, cash-for-gold operations, any of the uses set forth under automotive services, or any other such retail use specifically permitted or prohibited.

RETENTION POND — A drainage facility consisting of a wet pond or lake designated to accept additional stormwater and release it gradually at no greater rate than the pre-development flow rate (or other approved release rate) to prevent flooding of adjacent land and reduce stream erosion. (Also see *DETENTION POND*.)

RIGHT-OF-WAY (PUBLIC) — A public way established or dedicated by duly recorded plat,

deed, grant, governmental authority or by operation of the law.

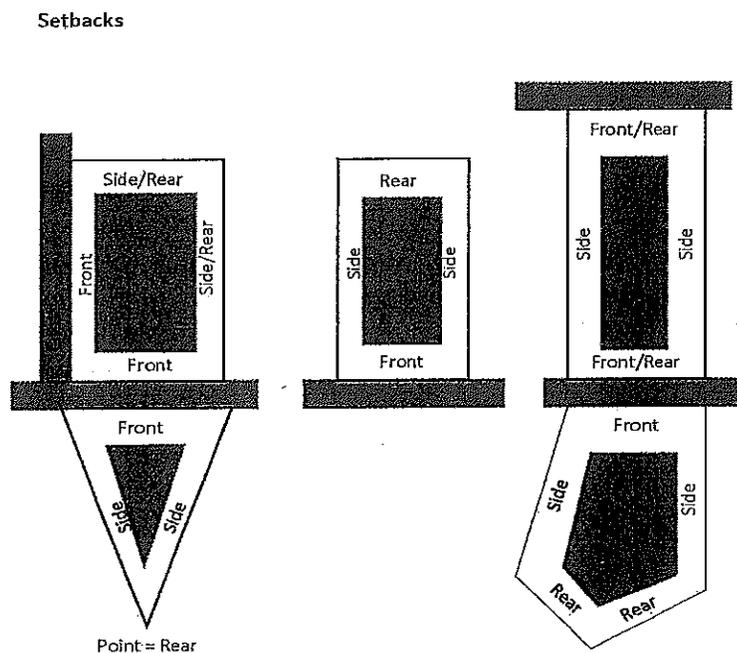
RUNOFF — Water flowing as a result of precipitation over a surface.

ST. LOUIS COUNTY D.R., R.D. — The St. Louis County Department of Revenue, Recorder of Deeds.

SCREENING — Trees, shrubs, walls, solid fences or berms used as a means of visual and/or noise control. Must be opaque in nature. A fence with an opaque value of seventy percent (70%) or greater.

SELF-STORAGE FACILITY — A building or group of buildings with controlled access that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' property, merchandise, goods or wares. [Ord. No. 3461 §2, 9-25-2014]

SETBACK — The minimum horizontal distance between a lot line and the nearest allowable portion of a building or structure.



SITE — An area of land with defined property boundaries.

SITE DESIGN — The proposed development plans for a site which shall incorporate all pertinent information relating to the development of the site.

SITE DEVELOPMENT — The work of constructing a site in compliance with design plans.

SITE PLAN — A plan to scale that shows uses and structures proposed for a parcel of land as required by the City Code and regulations involved. It includes, but is not limited to, lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and

manmade, and depending on requirements, the locations of proposed utility lines.

SITE PLAN REVIEW — The process whereby the City reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of the district. This shall include:

1. Providing for the necessary infrastructure and public facilities such as roads and schools; and
2. Protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.
3. Artist rendering of proposed development. (Not required for residential)

SLOPE ANGLE LIMIT — Extent of the angle from the horizontal of the sloping face of a soil mass.

SMALL LOAN BUSINESS — Establishments which:

1. Engage in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or
2. Are registered as lenders under State or Federal law. The classification does not include a State or Federally chartered bank, savings association, credit union or industrial land company. Further, the classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business. The classification does include, but is not limited to, check cashing stores, payday loan stores and car title loan stores.

STABLE, PRIVATE — A detached building accessory to a residential use for the keeping of horses owned by the occupants of the premises and which shall not be used for any commercial purpose including the boarding, hire or training of horses.

STORAGE — A use or building function which protects products, materials or equipment from damage, theft or visibility.

STORAGE STRUCTURE — An accessory building or structure used for storage.

STREET — A public or private way for motor vehicle travel. The term street includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

STREET (ARTERIAL) — A multi-lane facility designed for movement of a relatively large volume of traffic. Arterials provide connections between local and collector streets and the freeways.

STREET (COLLECTOR) — A street located within a neighborhood or other integrated use area which collects from and distributes traffic to local streets and connects arterial streets.

STREET (CUL-DE-SAC) — A street or a portion of a street with only one (1) vehicular traffic

outlet. The closed end having an adequate turnaround.

STREET (FRONTAGE OR SERVICE STREET) — A street generally parallel to and adjacent to arterial streets and highways which provides access to abutting properties and protection from through traffic.

STREET (LOCAL/MINOR) — A street associated with low intensity uses which represent small segments of an actual development area in a portion of a neighborhood of activity.

STREET (PRIVATE) — A street not accepted by dedication or otherwise by the Board of Aldermen.

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, assembled or erected on the ground or attached to something having a fixed location on the ground.

STRUCTURE PARKING — Parking developed with a structure that may be inside a building or in a separate structure developed primarily for parking.

SUBDIVIDER — A person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION — Any land which is divided or proposed to be divided into two (2) or more lots, tracts, parcels, sites. Any other division of land for the purpose, whether immediate or future, of sale, lease, conveyance or development.

SUBDIVISION (MAJOR) — Any subdivision not classified as a minor subdivision.

SUBDIVISION (MINOR) — Any residential subdivision containing not more than four (4) lots fronting on an existing road and meet the requirements of this Section.

SUBDIVISION PLAN — A plan that illustrates the subdivision of parcels into lots.

SURFACE PARKING — Parking developed on a site surface; usually with some form of pavement.

SWALE — Open drainage channel with side slopes not steeper than 3:1. The width of the bottom of the swale shall equal or exceed the depth. A swale shall not be constructed in areas with continuous drainage.

TOPOGRAPHY — The relief features or surface configuration of the ground within an area.

TRAFFIC PATH — The portion of a site surface dedicated to the achievement of some travel,

typically either as a footpath for pedestrians or a driveway for vehicles.

TREATMENT FACILITIES FOR ALCOHOL OR DRUG ABUSE — A facility, including buildings, structures and land, used for outpatient treatment of alcohol and/or other drug abuse.

TRUCK GARDEN — Produce/vegetable growing operation of which the product is sold on premises.

USE — The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied and/or maintained.

USE (PERMITTED) — The purpose or activity which is allowed for use or development within a zoning district.

USE PERMITTED BY SPECIAL PERMIT UPON REVIEW AND APPROVAL — A review conducted by the Planning and Zoning Commission and/or City Officials whereby a use is permitted to occur in that district but only upon its approval and subject to those conditions placed upon it.

VARIANCE — A granted deviance from the strict code application due to presented and defensible undue hardships not brought on by the applicant and shall relate to the lot size, topography, signage, setbacks or other building size requirements of this Code that are applicable to a particular lot or structure.

VISIBLE SITE — The viewed site consisting of the site surface and the objects on it.

WALL —

1. A vertical building face perpendicular to the horizontal view between the base foundation and top of the wall at the roof line.
2. An independent masonry or wood structure defining an enclosed structure or accommodating a change in site grade.

WAREHOUSE — A place for the storage of merchandise or commodities, excluding self-storage facilities.

WATERSHED — The area which contributes stormwater runoff to a point as defined by its topographic ridges prior to and/or after development.

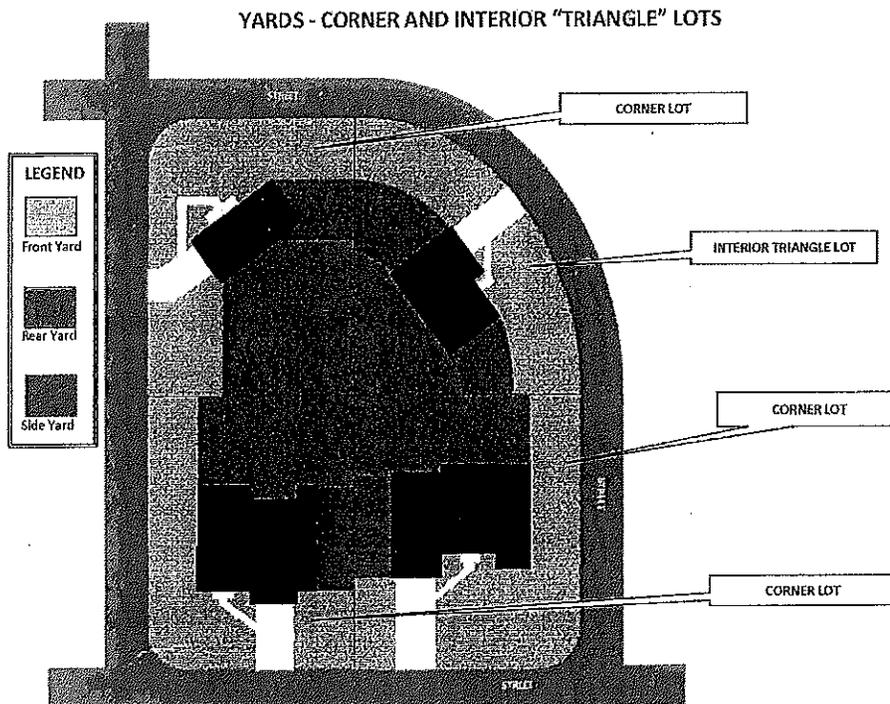
WINERY — Any establishment that produces more than two-hundred (200) gallons of wine annually, including storage, bottling and distribution and related administrative offices and functions such as on-site tasting facilities.

YARD — The open area or space that is unobstructed, except as specifically permitted in this Code, and that is located on the same lot as the principal building. The derivations of yard shall maintain the following definitions.

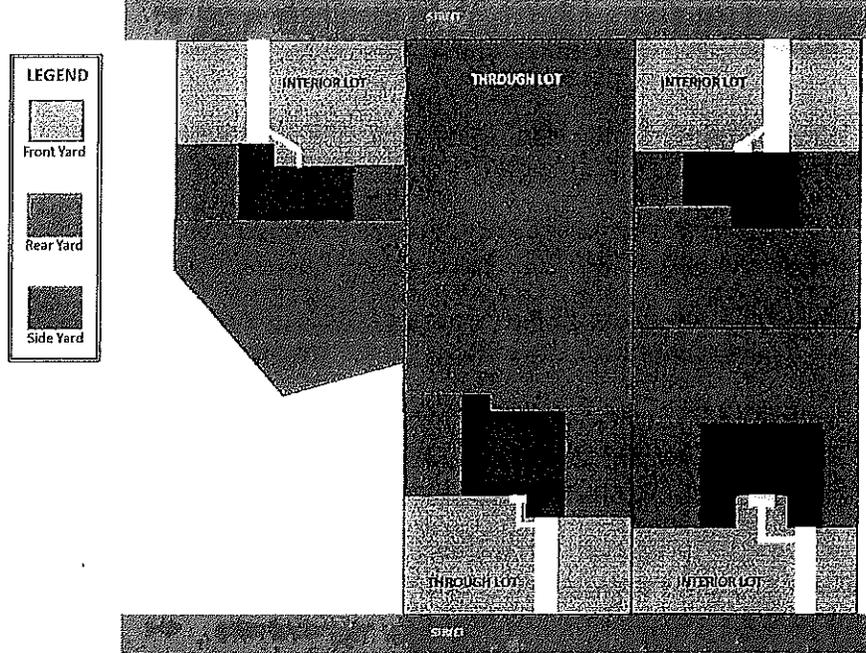
YARD, FRONT — The front yard shall be that portion of a lot adjacent to any street and bounded by the front lot line (or lines), the lot lines intersecting the front lot line(s), and the Front Elevation Line.

YARD, REAR — The rear yard shall be that portion of a lot adjacent to the Rear Lot Line (or lines) and bounded by the Rear Lot Line, the lot lines intersecting the Rear Lot Line(s), and the Rear Elevation Line. In cases where the Rear Elevation Line is overlapped by the Front Elevation Line (such as Corner Lots or lots with buildings not parallel with the Front Lot Line), the Rear Yard shall be bounded by the Rear Lot Line, the lot lines intersecting the Rear Lot Line(s), and the Front Elevation Line.

YARD, SIDE — The side yard shall be that portion of a lot between the principal building and the adjacent lot line that is not considered a front yard or back yard.



YARDS – INTERIOR LOTS



YARD, REQUIRED — The yard or portion of the yard located between the lot line and the required setback established by the zoning district in which the lot is located.

ZONING DISTRICT MAP — The map or any amendments thereto designating zoning districts and incorporated into this Code by reference.

ZONING ORDINANCE — A legally enforceable description of limitations affecting usage of some portion of a political jurisdiction.

EXHIBIT B

Section 445.030. Yards.

- A. Every part of a Required Yard shall be open to the sky unobstructed unless otherwise provided within this Title IV or in the following circumstances:
1. The ordinary projections of skylights, sills, belt course, cornices, and ornamental features may project into the Required Yard not more than twelve (12) inches.
 2. Open or lattice-enclosed fire escapes, fireproof outside stairway and balconies opening upon fire towers may project into a Required Yard not more than five (5) feet.
 3. Roof overhangs may project into a Required Yard not more than eighteen (18) inches provided that the overhang is at least five (5) feet from any property line.
 4. The ordinary projections of chimneys and flues not exceeding seventy-two (72) inches in width may project into the Required Yard not more than twenty-four (24) inches.
 5. Uncovered or covered, unenclosed Porches may project into the Required Front Yard not more than ten (10) feet.
 6. Uncovered, unenclosed Decks and Porches that are two-hundred (200) square feet or less in size may project into the Required Rear Yard provided that the Deck or Porch is setback from all Lot Lines a minimum distance equal to that of the required Side Setback of the applicable Zoning District.
 7. Cantilevered interior spaces, such as bay windows, may project into the Required Rear or Front Yard not more than two (2) feet plus a one (1) foot roof overhang provided that the cantilevered space is not more than ninety-six (96) inches in width. Cantilevered interior spaces shall not project into the Required Side Yard.
 8. Accessory Buildings, Structures and Accessory Uses - See Chapter 460.

EXHIBIT C

CHAPTER 460

Section 460.010. General Requirements for Accessory Buildings, Structures and Accessory Uses.

- A. For the purpose of this Chapter, the term "Accessory Use" shall also include Accessory Buildings and Structures. As set forth in the definitions, to be considered an Accessory Use, a use, building or structure must be incidental to, subordinate in size or purpose, and customary in conjunction with the Principal Building, Structure or Principal Use and is located on the same lot as the Principal Building, Structure or Principal Use.
- B. Permitted Accessory Uses include, but are not limited to, the following:
1. Detached Private Garages
 2. Detached Carports.
 3. Greenhouses (non-commercial).
 4. Swimming pools (in-ground and above ground), including hot tubs and elevated pool decks.
 5. Tennis, basketball, volleyball, and other similar sport courts.
 6. Storage Structures.
 7. Private Stables located in the "R-1" Zoning District.
 8. Accessory Uses related to a permitted farm use located in the "R-1" Zoning District.
 9. Home Occupations – See Section 460.030 below.
- C. A permit is required for any Accessory Building or Structure, except Accessory Uses that are:
1. Unattached to the ground and less than 120 square feet in size; or
 2. A Home Occupation.
- Exemptions from the permit requirement shall not be deemed to grant authorization for any Accessory Use to be constructed and maintained in violation of this Chapter, the Zoning Code or any other laws or ordinances of the City.
- D. All Accessory Uses shall conform to the requirements of this Chapter as necessary to ensure the public's safety and general welfare.
- E. All Accessory Uses shall be adequately attached to the ground and shall be erected in a secure and wind-resistant manner.
- F. Accessory Buildings or Structures shall not be used for Dwelling purposes.
- G. Storage Structures may be erected upon a Lot in a Residential District prior to the

construction of the Principal Structure provided that said Storage Structure does not encroach the required Front Setback of the Zoning District and has a minimum Setback of five (5) feet from all other Lot Lines.

- H. Unless otherwise provided herein, the height of Accessory Uses shall not exceed the height of the Principal Building.
- I. No more than one (1) Storage Structure shall be permitted on a Lot in the "R-2", "R-3" and "R-4" Districts.
- J. Detached, Private Garages shall be not more than one (1) story and not more than seventeen (17) feet in height measured from the grade to the peak of the roof. Exterior walls shall be limited to a height of not more than ten (10) feet. The exterior wall height shall be determined by measuring from the grade level to the bottom of a flat roof or to the bottom of the rafters of a pitched roof.
- K. Storage Structures shall be not more than twelve (12) feet in height measured from the grade to the peak of the roof. Exterior walls shall be limited to a height of not more than eight (8) feet. The exterior wall height shall be determined by measuring from the grade level to the bottom of a flat roof or to the bottom of the rafters of a pitched roof.
- L. No Accessory Use, except Detached Private Garages, Detached Carports, sport courts and swimming pools, shall be larger than ten percent (10%) of the Rear Yard of the Lot. In no event shall the total square footage of all Accessory Uses on a Lot exceed thirty percent (30%) of the total Rear Yard area.
- M. Except as otherwise provided within this Title IV or in the following circumstances, Accessory Uses may only be located within the Principal Building or within the Rear Yard of any Lot and have a minimum Setback at least five (5) feet from any adjacent Lot Line.
 - 1. Temporary roadside stands offering for sale of farm products produced on a Lot within a Residential District may be located within the Front Yard.
 - 2. Temporary lemonade stands or similar temporary stands operated by minors on a Lot within a Residential District may be located within the Front Yard.
 - 3. Retaining walls may be located in any Yard of the Lot in which it is constructed.
 - 4. Accessory Uses located in a Rear Yard of a Through Lot in a Residential District shall not encroach the required Setbacks for the Zoning District in which it is located.
- N. *Exceptions.* Notwithstanding the regulations of this Chapter, the following are regulated elsewhere in this Title IV.
 - 1. Fencing — see Chapter 462.
 - 2. Driveways – see Chapter 495.
 - 3. Off-Street Parking and Loading – see Chapter 496.
 - 4. Outdoor Displays, Sales and Storage of Merchandise – See Chapter 461.

5. Signs – see Chapter 485.
6. Solar Energy Systems – See Chapter 464.
7. Other Accessory Uses not specifically regulated shall comply with the use regulations requirements of the applicable Zoning District in which they are located.

Section 460.020. Additional Requirements for Non-Residential Use and Multiple-Family Dwelling Accessory Structures, Buildings and Accessory Uses.

- A. Any Accessory Use larger than one hundred (100) square feet shall comply with all requirements of exterior building materials of the Zoning District and shall be consistent with the Principal Building.
- B. Accessory Uses two-hundred square feet or larger associated with a non-residential use requires Site Plan Review (See Chapter 447).

Section 460.030. Additional Requirements for Home Occupations.

- A. Home Occupations are allowed as an Accessory Use, provided that the Home Occupation meets the definition provided in Section 400.030 (B) of this Code and that:
 1. No person not a resident on the premises is employed.
 2. No stock-in-trade or commodities shall be displayed on the premises.
 3. No internal or external alterations or special construction of the premises is involved.
 4. No equipment or materials shall be used which creates offensive noise, vibrations, sound, smoke, dust, odors, heat, glare, x-ray or electrical disturbance to radio or television instruments.
 5. No generation of unreasonable volumes of vehicular or pedestrian traffic or parking demand is created nor shall the traffic create a nuisance nor block or interfere with the regular flow of traffic. Additionally, no commercial vehicle shall be used in connection with the home occupation for delivery of goods to or from the premises, nor parked on the property. This provision does not preclude the delivery of mail or packages by the Postal Service or by private or public shipping and courier services. Home occupations shall not generate more than an average of one (1) truck delivery per day.
 6. Equipment or materials used in the Home Occupation may not be stored outdoors.
- B. Within the above requirements of Section A, a Home Occupation includes, but is not limited to, the following: Art studio; babysitting limited to four (4) children at one time; dressmaking; millinery; office of a physician or dentist for consultation or emergency treatment, but not for general professional practice; professional office of a real estate agent, insurance agent or similar occupation; and teaching limited to not more than four (4) pupils at one time. A home occupation shall not be interpreted to include barbershops, beauty shops, auto repairing, antique shops, sign painting, restaurants, electrical appliance shops or any light manufacturing or assembling operations.

