

Article I
General Provisions

Section 400.010 Title.

This Chapter shall be known and cited as the "Zoning Code of the City of Twin Oaks, Missouri," hereinafter referred to as "this Chapter."

Section 400.020 Comprehensive Zoning Plan; Zoning Map.

- A. *Establishment.* The locations and boundaries of the zoning districts established herein shall be and are shown on the zoning map that is hereby incorporated into and made a part of this Code. The zoning map, together with all officially authorized notations, references and other information shown thereon and all amendments thereto, shall be a part of this Zoning Code and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described herein.
- B. *Maintenance.* The City Clerk or his/her designee shall maintain the zoning map and shall be responsible for making any officially approved changes thereto.
- C. *Zoning of streets, alleys, public ways, and railroad rights-of-way.* All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, or railroad rights-of-way. Where the centerline of a street, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
- D. *General revisions to zoning map.* The city may from time to time formally replace the zoning map of the city by ordinance as may be deemed appropriate in the public interest. Such ordinance shall not be subject to any procedures for adoption above and beyond the mandatory requirements for amending zoning district boundaries and regulations as set forth in RSMo 89.050—89.060. Any revisions to the zoning map thereafter as authorized by subsection (B) of this section by the City Clerk shall include placement on the map of the date the map has been revised.

Section 400.030 Purpose.

- A. This Chapter is enacted to promote the health, safety and general welfare of the citizens of the City and to avoid street congestion, achieve appropriate population distribution, provide necessary spaces for light, air and recreation, protect the natural environment and existing property values, and secure the proper future development of the City in accordance with the Master Development Plan by regulating the use, bulk and density of land and structures and providing standards and procedures.
- B. This Chapter is not intended to abrogate, annul, or void any easement, covenant, indenture

or other private agreement or legal relationship. This Chapter and amendments shall be separate from any such private agreement or relationship.

Section 400.040 Interpretation.

- A. In interpreting and applying this Chapter, the provisions contained herein are minimum requirements for the purposes set forth. Whenever the requirements of this Chapter are at variance with the requirements of any easement, covenant, agreement or other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.
- B. When not inconsistent with the context, words used in the present tense include the future; words used in the singular include the plural, and words used in the plural include the singular; the words "shall," "will," or "must" are mandatory, not merely directory.

Section 400.050 Effect on Previous Ordinances.

Ordinances relating to the zoning of land existing on January 4, 1984, are superseded and amended as herein set forth; provided, however, that this Chapter shall be construed as a continuation of previous ordinances and not a new enactment insofar as the substance of revisions of previous ordinances is included herein. Furthermore, this Chapter shall be so interpreted with regard to tenure of officers and boards established by previous ordinances.

Section 400.060 Validity and Severability.

- A. If any court of competent jurisdiction shall declare any Article, Section, Subsection, sentence, clause, phrase, or portion of this Chapter to be invalid or unconstitutional, or unlawful for any reason, such portion shall be deemed and is hereby declared to be a separate, distinct, and independent provision of this Chapter and such ruling shall not affect the validity of any other provisions of this Chapter not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare any Article, Section, Subsection, sentence, clause, phrase, or portion of this Chapter to be invalid or unconstitutional, or unlawful for any reason as applied to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of such portion to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Article II Definitions

Section 400.070 General.

In addition to the terms expressly defined in this Article, the word "building" shall include the word "structure" and the phrases "used" or "used for" shall include the meanings "designed for" and "intended for." Terms used in this Chapter and not defined in this Article, but which are defined in the Building Code shall be construed to have the meanings set forth in the Building Code. Where terms used in this Chapter are not defined, such terms shall have their ordinarily accepted meanings or such as the context may imply.

Section 400.080. Definitions.

The following words, when used in this Chapter, shall have the meanings set out herein:

ACCESSORY BUILDING

A subordinate roofed building, enclosed on all sides, clearly incident to and located on the same lot occupied by the principal use or building.

ACCESSORY STRUCTURE

A structure, the use of which is clearly customarily incidental and subordinate to the principal building or use on the same lot. Examples include gazebos, detached pergolas, unenclosed outbuildings, pavilions, arbors, playground equipment, and similar structures.

ACCESSORY USE

A subordinate use clearly incident to and located on the same lot occupied by the principal use or building.

ADULT ENTERTAINMENT ESTABLISHMENT

Any business, premises, or establishment, including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, or adult live performance theaters, which has any of the following:

1. Thirty percent (30%) or more of its annual gross receipts derived from:
 - a. The offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined; or
 - b. The offering of stock in trade of print, digitally produced or reproduced books, magazines, periodicals or other printed matter or photographs, films, motion pictures, DVDs, video in any format, slides or other materials or data compilations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or
2. Thirty percent (30%) or more of its inventory on hand at any time consisting of stock in trade of books, magazines, periodicals or other printed matter or photographs, films, motion pictures,

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video cassettes, DVDs, slides or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined or instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or

3. Ten percent (10%) or more of its total floor area allocated to:

- a. The offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined; or
- b. The offering, display and storage of stock in trade of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, DVDs, slides or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas," as herein defined and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.

BOARD OF ADJUSTMENT

The Twin Oaks Board of Adjustment.

BOARD OF ALDERMEN

The Twin Oaks Board of Aldermen.

BUFFER STRIP

A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

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BUILDING CODE

The duly adopted Building Code of the Village as set forth in Section 500.010 of the Municipal Code of the Village of Twin Oaks, Missouri.

CARPORT

A structure not completely enclosed by walls or doors which is designed or used for the storage of vehicles, whether attached to or detached from the Principal Building. A Carport is not a Private Garage.

CITY

The City of Twin Oaks, Missouri.

CITY CLERK

The duly appointed and serving City Clerk of the City.

CITY ATTORNEY

The duly appointed and serving City Attorney of the City.

CODE ENFORCEMENT OFFICIAL

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The person(s) or agency(ies) designated from time to time by the Board of Trustees to enforce this Chapter in accordance with Article XIII, Administration and Enforcement. Throughout this Title IV, the terms "Code Enforcement Official" and "Zoning Enforcement Official" are used interchangeably.

COMMERCIAL VEHICLE

A vehicle as defined in Section 300.010 of the Code and, for the purposes of this Title, being further defined as a vehicle that is either commercially used, placquered and/or licensed by the State.

LIGHT DUTY COMMERCIAL VEHICLE

A commercial vehicle with a GVWR of less than 14,000 pounds. These vehicles are primarily Class 1-3 vehicles.

HEAVY DUTY COMMERCIAL VEHICLE

A commercial vehicle with a GVWR of 14,000 pounds or more. These vehicles are primarily Class 4-9 trucks but also includes heavy construction equipment, such as excavators, backhoes, bulldozers, dump trucks, graders, and cranes, tracked vehicles, etc.

COURT

An unoccupied space on a lot other than a yard, intended or designated to be partially surrounded by a group of buildings.

COVERAGE

That percentage of the lot area occupied by a building or structure.

CURB CUT

A portion of the edge of a street in the right-of-way as identified on a plot plan/survey that is used to access a driveway. In the instance where a curb exists, the curb may need to be adjusted to facilitate vehicular movement taking into account storm water issues.

DENSITY

The number of dwelling units per acre of land.

DRIVEWAY

The surfaced portion of a lot constructed for the purpose of access to a garage, attached or detached, on a lot or for the purposes of parking.

[Ord. No. 426 § 1, 4-16-2014]

DRIVEWAY APPROACH or APRON

The portion of the driveway located in the right-of-way between the curb or pavement edge of a public street and the private property line intended to provide access to vehicles from a roadway or a public street to a driveway on private property.

DWELLING, MULTI-FAMILY

A building or portion of a building containing six (6) or more dwelling units.

DWELLING, SINGLE-FAMILY

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A freestanding residential building located on a single lot containing not more than one (1) dwelling unit. As used in this Chapter, the term "single-family dwelling" shall include Group Homes and Foster Homes.

DWELLING, SINGLE-FAMILY ATTACHED

A building containing not more than five (5) dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

DWELLING UNIT

A room or group of rooms physically arranged to create an independent habitable unit having separate sanitary, cooking, and sleeping facilities and designed for residential occupancy.

ELEVATION

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

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.

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.

FAMILY

An individual or two (2) or more persons who are related by blood, marriage or adoption or a group of not more than three (3) persons who need not be related by blood, marriage or adoption occupying a single dwelling unit or in combination with an accessory dwelling, living together and subsisting in common as a single non-profit housekeeping unit. This definition shall not exclude groups of three (3) or more persons who are required by State or Federal law to be treated as a family for residential zoning purposes. This definition expressly excludes any other group of two (2) or more persons where meals or lodging are made available in exchange for payment or other consideration.

FINANCIAL SERVICES

An office establishment or business that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and which establishment may include these services to patrons and customers through an accessory, drive-through use. Financial services shall also include establishments

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primarily engaged in one (1) or more of the following: (1) underwriting securities issues or making markets for securities and commodities; (2) acting as agents (i.e., brokers) between buyers and sellers of securities and commodities; (3) providing securities and commodity exchange services; and (4) providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary, and custody services. Typical uses include banks, savings associations, savings and loan institutions, investment banking, securities, and brokerages, certified financial planning, accounting, auditing, bookkeeping, and similar services. Financial services do not include Short-term Loan Establishments or pawnbrokers (which are prohibited money changing/money brokering uses).

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.

GROUP HOME

A permitted form of single-family residential occupancy in which 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 persons residing in the home.

FLOOR AREA

The sum of the gross horizontal areas of the floor(s) of a building or buildings measured from the exterior faces of exterior walls.

GARAGE, ATTACHED

A Private Garage which has a roof or wall, or a major portion of a roof or wall, in common with a Dwelling Unit. Where attached to a Dwelling Unit in this manner, the Attached Garage shall be considered part of the Dwelling for purposes of all yard requirements of the Principal Building.

GARAGE, DETACHED

A Private Garage not having a roof or wall, or a major portion of a roof or wall, in common with a Dwelling Unit.

GARAGE, PRIVATE

An accessory building to or a component of a Dwelling Unit, enclosed on all sides and roofed, designed, or used for the storage of vehicles owned and used by the occupant of and located on the same lot as the Dwelling Unit and in which no occupation or business is carried on.

GROSS VEHICLE WEIGHT RATING (GVWR)

The maximum operating weight of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers, and cargo but excluding that of any trailers.

HARD SURFACE

Any surface paved with impervious materials such as concrete, asphalt, brick pavers or similar materials, whether pervious or impervious to water.

HEIGHT

For all buildings and structures, other than structures governed by Section 400.400, the vertical distance above the average ground level of the original, undisturbed grade at the foundation corners of a building measured to the highest point of the building.

HEALTHCARE USES—

HEALTH CARE FACILITY - A building or portion of a building where the establishment is principally engaged in providing services for inpatient and outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain, or other physical condition of patients. Care may be provided on a short term or long-term basis. Outpatient services may also be provided as a secondary service. Inherent within this use are laundry and kitchen facilities for patients, cafeterias and gift shops for patients and their visitors, incidental laboratory uses and offices for social, psychological, and medical personnel, but not to include a behavioral health care facility or long-term care facility.

MEDICAL OFFICE - A building or portion of a building principally engaged in providing services for health maintenance, diagnosis (including overnight testing) and treatment of human diseases, pain or other physical or mental condition of patients solely on an outpatient basis. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, physical therapist, speech pathologists, cardiologists, and other various specialties, but shall not include medical clinics, urgent care centers or behavioral health care facility.

MINUTE CLINIC - An accessory walk-in use within a pharmacy or supermarket for the diagnosis and treatment of common household illnesses such as strep throat and ear, eye, sinus, and other infections; the treatment of minor wounds; abrasions and joint sprains; the injection or ingestion of common vaccinations; wellness services and routine lab tests.

URGENT CARE CENTERS - A medical use in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended hour access for acute illness and injury care that is either beyond the scope or availability of the typical primary care practice or medical clinic. Patients shall be served solely on an outpatient basis and no overnight patients shall be kept on the premises.

HOME GROWN PRODUCE SALES

Sale to the public of fresh, uncut produce products raised on land owned and occupied by the resident-seller within the Village of Twin Oaks.

HOME OCCUPATION

An occupation or profession of a service character performed entirely within a dwelling unit which is clearly incidental to the primary residential use of the dwelling unit. To be a permitted use, the Home Occupation must conform to the standards and provisions of Section 400.130.

KENNEL

See Chapter 205.

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.
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 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

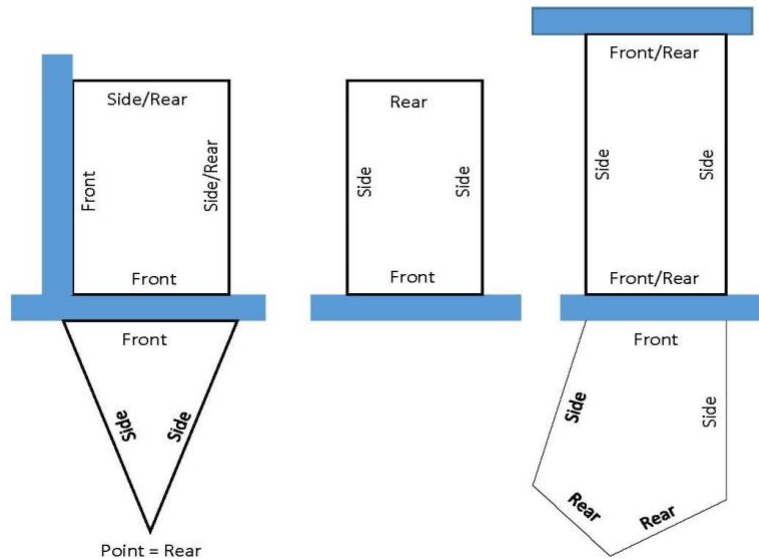
The line or lines that are most closely parallel to the front lot line. On a corner lot in Residential Districts, one side lot line may be established in lieu of a rear lot line; provided that, in no case may the rear lot line that is mostly parallel with the rear elevation of the principal building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

Types of Lot Lines

Types of Lot Lines



MASTER DEVELOPMENT PLAN

The Amended Master Development Plan for the Village of Twin Oaks approved by the Planning and Zoning Commission by Resolution No. 16, adopted on October 15, 2003, together with such further amendments thereto as may be adopted from time to time in accordance with Chapter 89, RSMo., as amended.

MASTER LANDSCAPING PLAN

The Village of Twin Oaks Landscape Master Plan dated April 2003 prepared by SWT Associates.

MOTOR VEHICLE ORIENTED BUSINESS (MVOB)

Any commercial use or activity which as a principal part of its operations provides goods or services to motor vehicles or occupants of motor vehicles in a short time span or provides goods or services to occupants of motor vehicles remaining within the vehicles. Such uses and activities shall include, by way of illustration and not limitation, convenience stores, filling stations, automobile service stations and car washes, whether singly or in combination, facilities containing drive-up or drive-through operations, and restaurants which as a principal part of operations provide food for off-premises consumption.

NON-CONFORMING USE

A use, building or yard existing legally at the time of the passage of this Chapter (January 4, 1984) or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

OPEN SPACE

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Any area of a lot which is completely free of and unobstructed by any structure. Such areas may include walkways, patio areas, bike paths, etc. Other ornamental features such as light poles, trees, shrubs, etc. shall not be considered as occupying the area for purposes of this Chapter.

PARKING SPACE

An area used exclusively for temporary accommodation of one (1) vehicle. It does not include commercial vehicle loading areas.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the Village.

POROUS SURFACE

Any surface consisting of permeable joint pavers or other permeable construction materials.

PRINCIPAL BUILDING

A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.

PRINCIPAL USE

The primary use of land or buildings as distinguished from an accessory use.

RECREATIONAL VEHICLE (RV)

Often abbreviated as RV, it is a motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers and truck campers.

OFF-ROAD VEHICLES

Any vehicle used for outdoor, off-road recreation including, but not limited to, boats, personal watercraft, ATVs, OHVs, UVs, dirt bikes, and all other similar motorized vehicles made for off-road use and including trailers used to convey an off-road vehicle. Off-Road Vehicles does not include Recreational Vehicles.

ALL-TERRAIN VEHICLE (ATV)

See Section 300.010 of the Twin Oaks Municipal Code.

RECREATIONAL OFF-HIGHWAY VEHICLE (OHV)

See Section 300.010 of the Twin Oaks Municipal Code.

UTILITY VEHICLE (UV)

See Section 300.010 of the Twin Oaks Municipal Code.

RESTAURANT

A food service establishment primarily oriented to the service of food, beverages, and other refreshments and includes carry-out incidental to that use.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH

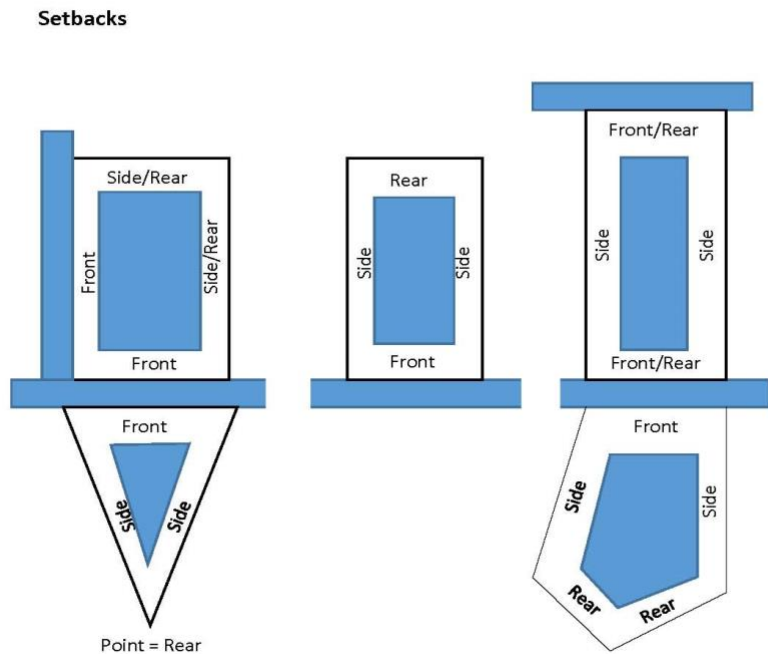
A restaurant where food, beverages or other refreshments are available for consumption by persons who remain in their automobiles.

RESTAURANT, SERVICE

An establishment whose principal business is the sale of food, frozen desserts, or beverages in ready-to-consume individual servings, for consumption on the premises or for carry-out and where:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers,
2. There is no drive-up or drive-through service, and
3. The business is principally to serve the occupants and the employees, customers, or invitees thereof, in the same building in which the restaurant premises are located or nearby buildings.

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



SPECIFIED ANATOMICAL AREAS

As used in this Chapter, "specified anatomical areas" means and includes any of the following:

1. Less than completely or opaquely covered human genitals, pubic region, buttocks, anus, or female breast area below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

As used in this Chapter, "specified sexual activities" means and includes any of the following:

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1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Actual or simulated acts of sexual intercourse, masturbation, sodomy, or oral copulation; or
3. Excretory functions as part of or in connection with any of the activities set forth in paragraphs (1) or (2) of this definition.

SHORT-TERM LOAN ESTABLISHMENT

Any business which loans money on a short-term basis to members of the general public as an element of its operation, including businesses offering title loans, payday loans, signature loans and small loans under RSMo Ch. 367 or RSMo 408.500 and other similar businesses. The term "short-term loan establishment" does not include a bank, savings and loan association or credit union that is licensed by the appropriate state or federal agency or a retail credit financing institution that is licensed under RSMo Ch. 364 or Ch. 365 or pawnbrokers governed by RSMo Ch. 367 or retail merchants governed by RSMo Ch. 400, Art. 2) (RSMo 400.2-101—400.2-725).

SHORT TERM RENTAL

The letting or offering for let of a single-family dwelling or single-family attached dwelling, or a portion thereof, to one (1) or more guests for a period of thirty (30) consecutive calendar days or less. Examples include bed-and-breakfast facilities and rentals arranged through Internet marketing or facilitation services.

STREET FRONTAGE

The linear distance which property abuts a public or private street and is measured at the street lot line. When a lot has more than one (1) street lot line, street frontage shall be measured at each such line.

[Ord. No. 426 § 1, 4-16-2014]

URBAN DESIGN GUIDELINES

The Urban Design Guidelines of the City adopted by the Board in Appendix A to Title IV of the Village Code, together with amendments thereto as adopted from time to time by the Board of Trustees in accordance with Chapter 89, RSMo., as amended.

USED MERCHANDISE STORE

An establishment or place of business primarily engaged in the retail sale of used merchandise or secondhand goods, such as used clothes, antiques, secondhand books or rare manuscripts, or items of architectural salvage, but not including used cars or other motorized vehicles.

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.

Section 400.080. 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.

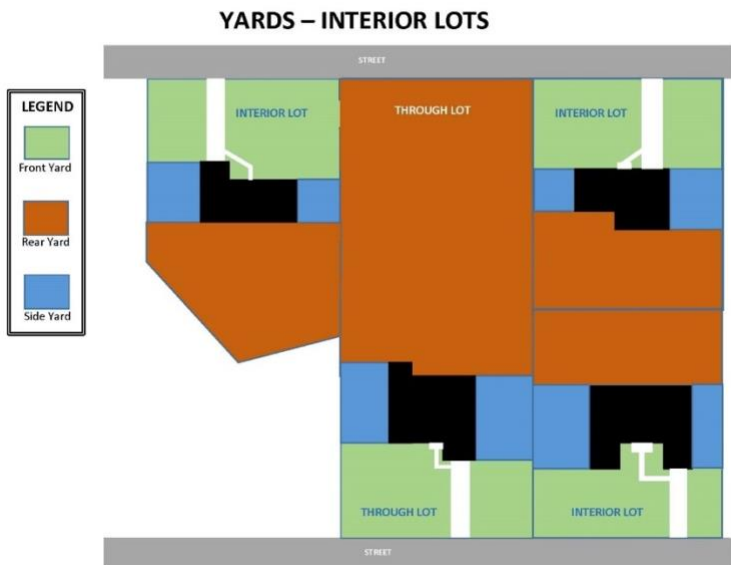
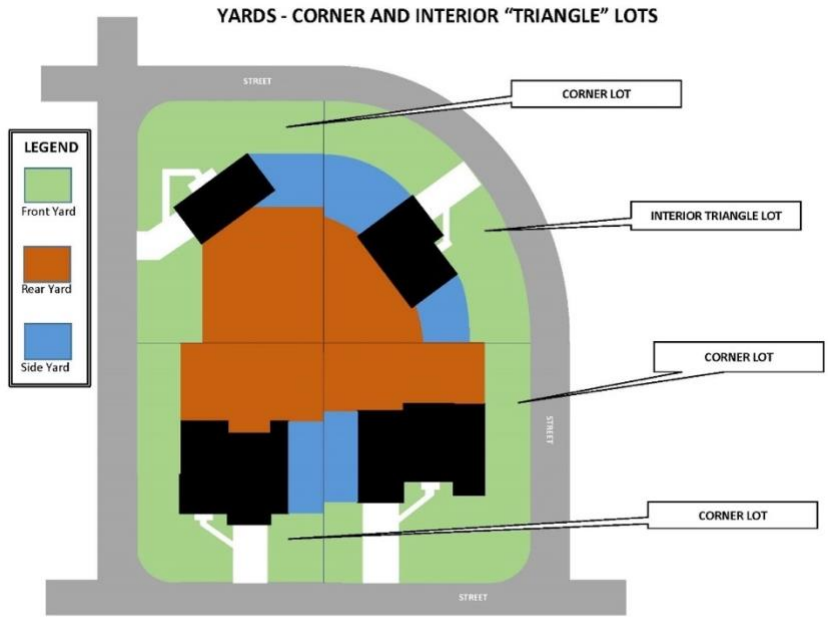
YARD, REAR — The rear yard shall be that portion of a lot adjacent to the Rear Lot Line (or lines) and bounded by the Rear Lot Line, the lot lines intersecting the Rear Lot Line(s), and the Rear Elevation Line. In cases where the Rear Elevation Line is overlapped by the Front Elevation Line (such as 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.

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 MAP

The Zoning Map dated March 28, 2017 approved hereby, and as further amended from time to time by the Board of Aldermen in accordance with this Chapter, delineating the various zoning districts applying to all real property within the corporate limits of the City.



ARTICLE III.
Districts and Boundaries

Section 400.090. Districts.

- A. To promote the purposes set forth, the City of Twin Oaks is divided into four (4) Zoning Districts as follows:
1. "A" Single-Family Dwelling District.
 2. "B" Single-Family Attached Dwelling District.
 3. "C" Commercial District.
 4. "D" Park District.

Section 400.100. Zoning District Boundaries.

- A. The boundaries of the various zoning districts are as depicted on the Zoning District Map. Where at any time uncertainty exists as to the location of boundaries of zoning districts as depicted on the Zoning District Map, the following rules of interpretation shall apply:
1. A zoning district boundary indicated as approximately following the center line of a highway, street or easement shall be construed as following such center line.
 2. A zoning district boundary indicated as approximately following right-of-way lines, the right-of-way shall be construed: (1) to be zoned as part of the district in which it is shown, and (2) the right-of-way line abutting the neighboring zoning district is the boundary of the district. When right-of-way is shown on the District Map either as wholly located in the "A" or "B" District, or with one (1) boundary of the right-of-way as the boundary of either the "A" or "B" District, the right-of-way in both situations is intended to be zoned either "A" or "B" residential. Where the "A" and "B" Districts adjoin at the right-of-way, the district boundary shall be construed as following the center line of the right-of-way.
 3. A zoning district boundary indicated as following the corporate limits of the City shall be construed as following such limit line.
 4. Where a physical or cultural feature existing on the ground is at variance with that location shown on the Zoning District Map or in any circumstance other than that provided for in Subsection (A)(1) through (3) above, the Board of Aldermen shall determine in writing the zoning district boundary which determination shall be conclusive and shall be retained on file, together with the Zoning District Map, in the administrative offices of the City and be available for public inspection.
 5. Where a zoning district boundary line divides a lot, which is in single ownership at the time of adoption of this Chapter or at the time of adoption of any modification to the Zoning District Map, the Board of Aldermen may permit as a conditional use the extension of the regulations for either portion of the lot to the nearest lot line but not to exceed fifty (50) feet beyond the zoning district boundary.

Section 400.110. Scope of Provisions.

- A. Except as provided in this Chapter:
1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the regulations of this Chapter for the zoning district in which the building or land is located.
 2. Reserved.
 3. Every building erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building on one (1) lot, except as authorized in this Chapter.

Section 400.120. Uses Not Expressly Permitted.

- A. Unless the contrary is clear from the context, uses not specifically listed in this Chapter are prohibited.
- B. Any use not specifically listed in this Chapter as permitted but otherwise required to be permitted by law shall be a conditional use, subject to the following conditions:

1. The use shall be permitted only to the extent required by law;
 2. The use shall be approved only in accordance with the development plan process except if by law the use is required to be permitted as of right; and
 3. The use shall be located no closer than one thousand (1,000) feet from any residence, park, school, or church, except as maybe modified by the Board of Aldermen through development plan process procedures.
- C. Adult entertainment establishments are hereby prohibited in all zoning districts within the City and no building, structure, premises, or land shall be used, constructed, reconstructed, altered, or expanded as or for an adult entertainment establishment.
- D. Notwithstanding any prohibition contained in this Section or any omission from the list of uses set forth in each of the Code Sections pertaining to permitted uses the City's zoning districts, any use conducted or operated by the City of Twin Oaks, including, but not limited to, community buildings, municipal centers (including office and public meeting space), public buildings, parks, playgrounds, open spaces, recreation fields, or other proprietary or governmental uses, shall be permitted as of right in each of the City's zoning districts.

Section 400.125. Accessory Use — All Districts.

- A. Qualifying Patient Medical Marijuana Cultivation. In addition to the existing accessory uses enumerated in each district, on any lot in the City, a person holding a current, valid medical marijuana cultivation identification card issued by the State of Missouri may have as an accessory use medical marijuana cultivation as permitted by Article XIV, Section 1.7(9) of the Missouri Constitution so long as all of the following conditions are met:
1. The accessory use must take place only in a facility that is enclosed, locked, and equipped with security devices (the "cultivation area"), all of which shall be designed in such a way as to permit access only by the qualifying patient or by such patient's primary caregiver and in conformance with all Federal and Missouri laws and regulations.
 2. The State-issued qualifying patient cultivation identification card or cultivation authorization must be clearly displayed within the cultivation area and in close proximity to the marijuana plants.
 3. The accessory use must have an odor control system that is at least as stringent as that which is required by Missouri regulations.
 4. No marijuana may be smoked, ingested, or otherwise consumed or administered on the lot except by a qualifying patient.
 5. One (1) qualifying patient may cultivate up to six (6) flowering marijuana plants and six (6) non-flowering marijuana plants at any given time in a single, enclosed locked facility.
 6. Two (2) qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one (1) enclosed, locked facility but no more than twelve (12) flowering marijuana plants and twelve (12) non-flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when one (1) of the qualifying patients, as a primary caregiver, also holds a qualifying patient cultivation identification card for a third qualifying patient, in which case that primary caregiver may cultivate six (6) additional flowering marijuana plants and six (6) additional non-flowering marijuana plants for a total of eighteen (18) flowering marijuana plants and eighteen (18) nonflowering marijuana plants in a single, enclosed locked facility.
 7. All cultivated flowering marijuana plants in the possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patient's name.
 8. All medical marijuana cultivation must cease immediately upon the expiration or revocation of a State-issued qualifying patient cultivation identification card.
 9. Nothing in this Section shall convey or establish a right to cultivate medical marijuana in a facility or premises where State or Federal law or a private contract would otherwise prohibit doing so.

Article IV
"A" Single-Family Dwelling District Regulations

Section 400.130 Use Regulations.

A. The following are permitted uses in the "A" Single-Family Dwelling District:

1. Single-Family Dwellings.

a. Group Homes.

(1) Purpose. The City has determined that it is necessary and desirable to provide suitable sites for group homes in residential areas while, in furtherance of the recognized goals of deinstitutionalization and dispersal, assuring that group homes are not unduly concentrated in neighborhoods so as to afford mentally or physically disabled persons every opportunity to be integrated in the community. To that end, group homes in residential districts shall comply with the following:

(a) To promote deinstitutionalization and dispersal, no group home may be located within five hundred (500) feet of another group home, measured by the straight line distance between the nearest points of the exterior walls (exclusive of overhangs) of the buildings within which the relevant facilities or uses are located;

(b) Adjoin any lot upon which another group home already exists; or

(c) Be separated from any lot upon which an existing group home already exists only by a street or roadway.

(2) The exterior appearance of the home and property, occupancy limitation, signage, and other standards applicable to single-family dwellings shall apply equally to group homes.

(3) Notwithstanding any other provision of this Section to the contrary, any individual, group or entity may make a request for reasonable accommodation from the provisions of this Section pursuant to the procedures set forth in Sections **230.150** through **230.240** of this Code.

b. Foster Homes.

2. Churches, synagogues, and other houses of worship.

3. Municipally owned or operated parks or playgrounds.
4. Non-commercial forests and gardens.
5. Temporary buildings for uses incidental to construction; provided that no such building shall be located within a required yard or within twenty-five (25) feet of any lot line and no trees shall be removed for the placement of such temporary building. The temporary building shall be removed upon the earlier occurring of one (1) year from initial placement of the temporary building, or upon the completion or abandonment of the work, unless express written permission to continue the location of such temporary building is granted by the Board of Aldermen upon good cause shown.
6. Home Occupations.
 - a. Provided that the Code Enforcement Official finds:
 - (1) The home occupation is (a) incidental to the primary residential use of the dwelling unit and (b) does not occupy more than twenty-five percent (25%) of the floor area of the dwelling;
 - (2) No alteration is made to the exterior of the dwelling that would indicate the presence of a home occupation;
 - (3) No commercial or delivery vehicles used in connection with the home occupation are parked at or stored on the dwelling or visit the premises with a frequency of more than one (1) visit per day; and
 - (4) No steady or concentrated visitation of clients to the dwelling which would disrupt the residential character of the surrounding neighborhood results from the conduct of the home occupation and in the case of home occupations involving teaching or other types of instruction, visitation shall be limited to one (1) pupil at a time except for occasional seminar groups.
 - b. Persons wishing to maintain a home occupation in accordance with this Section shall submit to the Code Enforcement Official a written application on forms provided by the City describing the type of home occupation, the total floor area of the dwelling in which the home occupation is to be located, the amount of floor area to be occupied by the home occupation, the type of equipment used in the conduct of the home occupation and certifying that the proposed home occupation complies with each of the requirements of this Subsection. An application fee of twenty-five dollars (\$25.00) shall accompany the application. Upon receipt of a complete application, the Code Enforcement Official shall verify whether the proposed home

occupation complies with the foregoing requirements and, accordingly, shall issue or deny the application for the home occupation. Following approval of an application in accordance with this Subsection, any change in the amount of floor area occupied by the home occupation as certified in the original application or any change in the type of home occupation shall require a new application, together with the payment of application fee and review and approval in accordance with this Section. A separate business license is not required for a home occupation.

7. Accessory buildings or accessory uses as specified below, provided that no accessory building or accessory use shall be located in the front yard or within the applicable side and rear setbacks set forth in Section 400.150(A):

Accessory Buildings and Structures		
Lot Size (square feet)	Maximum Cubic Feet	Maximum Height (feet)
Up to 10,980	960	12 ½
10,981 to 21,780	1440	12 ½
21,781 to 43,560	1960	12 ½
Greater than 43,560	3072	12 ½
Accessory Uses	Maximum Area	Maximum Height

Doghouse, dog run or combination	50 square feet	6 feet including fencing
Swimming pool, constructed and fenced as required by St. Louis County Codes	1,000 square feet water surface area	4 feet
Private garage	700 square feet	Height regulations as described in Section 400.140

- a. No more than one (1) of each above-listed accessory building/use is permitted per lot.
- b. Garages.
 - 1) Detached garages must have an associated driveway that provides direct access to the detached garage for the storage of vehicles. Failure to have an associated driveway to the building will be conclusive evidence that the accessory building is not a detached garage.
 - 2) Nothing in this Section **400.130** shall prevent the owner of a dwelling unit or the owner's authorized agent from constructing and maintaining both an attached and detached garage on a single lot, each up to a maximum of 700 square feet, provided that the lot and structures thereon comply with the area regulations outlined in Section **400.150**.

- h. No display shall be closer than six (6) feet from the right-of-way.
- 9. A limited commercial use pursuant to a Special Business Permit as set forth in Section 400.180. [Ord. No. 503 § 1, 9-7-2016]
- 10. Nothing herein shall be construed as permitting short term rental uses in the "A" Single-Family Dwelling District either as a home occupation or as a single-family dwelling use. Short-term rentals are prohibited in the "A" Single-Family Dwelling District.

Section 400.140 Height Regulations.

[R.O. 2016 § 400.140; R.O. 2011 § 400.140; Ord. No. 84-2 Art. IV § 2, 1-4-1984; Ord. No. 129 § 9, 10-15-2003]

- A. Except as provided in this Section, no principal building shall exceed thirty-five (35) feet in height.
- B. Churches, synagogues, and other houses of worship may exceed thirty-five (35) feet in height to a maximum of sixty (60) feet in height, provided that for each one (1) foot in height in excess of thirty-five (35) feet, the building shall be set back one (1) additional foot from each lot line or required minimum yard area.
- C. Chimneys, rooftop mechanical appurtenances and other purely ornamental or mechanical building accessories shall not exceed the highest point of the building by more than 10% unless otherwise required by applicable building codes.

Section 400.150 Area Regulations.

[R.O. 2016 § 400.150; R.O. 2011 § 400.150; Ord. No. 84-2 Art. IV § 3, 1-4-1984; Ord. No. 129 § 9, 10-15-2003]

- A. Setback Requirements. Setback requirements shall be as provided on the schedule following:

Use	Minimum Lot Size	Minimum Setback	Maximum Coverage (principal building or structure only)
Single-family dwelling	12,000 square feet	Front: 35 feet Side: 11 feet Rear: 50 feet and where any side yard coincides with a "D" Park District	15%

Use	Minimum Lot Size	Minimum Setback	Maximum Coverage (principal building or structure only)
Other permitted principal use	12,000 square feet	boundary, an additional buffer strip at least 20 feet in width and planted with trees, shrubs or other similar vegetation shall be provided Front: 35 feet Side: 11 feet Rear: 50 feet and where any side or rear yard coincides with a residential lot line or a "D" Park District boundary, an additional buffer strip at least twenty (20) feet in width and planted with trees, shrubs or similar vegetation shall be provided.	15%

Accessory Buildings/Structures	Lot Size (square feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)
	Up to 10,980	11	5
	10,981 to 21,780	11	5
	21,781 to 43,560	16.5	7.5
	Greater than 43,560	22	10

B. Reserved.

- C. Dwelling Floor Area Requirements. Every one-story single-family dwelling shall have a floor area of not less than one thousand five hundred (1,500) square feet measured from the exterior walls, excluding private garages and other covered storage areas. Every single-family dwelling of more than one (1) story shall have a floor area on the first floor of not less than one thousand one hundred (1,100) square feet measured from the exterior walls, excluding private garages and other covered storage areas and each floor above the first floor shall have a floor area of not less than seven hundred fifty (750) square feet measured from the exterior walls, excluding private garages and other covered storage areas.
- D. Utilities. All utilities shall be installed underground.

Section 400.160 Off-Street Parking Facilities.

Off-street parking facilities shall be provided as required or permitted in Article X, Sections **400.390** and **400.400** of this Chapter.

Section 400.170 Site Development Plan Application and Approval Procedures.

- A. The owner or developer of any lot located within and which meets the requirements of an "A" Single-Family Dwelling District, prior to the new construction, erection, conversion, enlargement, reconstruction or structural alteration of any principal building on, or change of principal use of, such lot, shall file with the City Administrator/Clerk an application for site development plan approval; provided that this site development plan approval process shall not be required for the conversion, enlargement, reconstruction or structural alteration of any existing single-family dwelling but shall be required for initial construction of any new single-family dwelling. The application shall be submitted on forms provided by the City and shall include a site development plan prepared by a licensed professional architect, engineer or land surveyor together containing support information satisfying the following requirements:
 - 1. The name of the owner or developer and of the professional architect, engineer, planner, or land surveyor responsible for the preparation of the proposed site development plan.
 - 2. Existing and proposed site grades identifying all grade changes and areas of cut and fill at a minimum contour interval of two (2) feet, or one (1) foot in areas where average slopes are three percent (3%) or less.
 - 3. Existing landscape and natural features plan identifying specific location of all woodlands, trees, major vegetation areas, streams, watercourses and other natural resources and features and delineating specific provisions to be taken to preserve or to minimize impact on these natural features.
 - 4. All existing and proposed uses and buildings.

5. Sidewalks and walkways, if and as applicable.
 6. Driveways, existing and proposed curb cuts, vehicle travel lanes and parking areas, as applicable.
 7. Means for the provision of water, sanitary sewerage, storm drainage, electric and natural gas services, and telephone and telecommunications services including cable facilities.
 8. Existing and proposed easements and dedications.
 9. Building plans and elevations depicting exterior materials and treatments; height, bulk, and locational relationships.
 10. Other information which the Planning and Zoning Commission or the Board of Aldermen may designate.
- B. Upon the receipt of filing of a complete application for site development plan approval, the City Administrator/Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation first to the City's engineers for review for completeness of the application and comment. After the application has been determined to be complete in accordance with the requirements of this Section and applicant has responded to all comments of the City, the City Administrator/Clerk will place the matter on the Planning and Zoning Commission's next agenda for the Commission's review, study, and recommendation. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval, or modification of the proposed site development plan.
- C. Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of Aldermen shall schedule and conduct a public hearing on the proposed site development plan after publishing notice of the time, place, and purpose of the hearing in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen. Upon conclusion of the hearing, the Board of Aldermen may in writing approve, disapprove, or conditionally approve the site development plan. The Board of Aldermen shall promptly transmit a copy of the final action on the proposed site development plan to the applicable Code Enforcement Official(s).

- D. Proposed construction or change of a principal use approved pursuant to this Section shall commence within six (6) months of the date of approval by the Board of Aldermen of the site development plan and application or the site development plan approval shall lapse and be void.
- E. No building permit to erect, convert, enlarge, reconstruct or structurally alter any principal building (other than for conversion, enlargement, reconstruction or structural alteration of an existing single-family dwelling) and no approval to change a principal use shall issue until the Board of Aldermen has approved a site development plan in accordance with this Section; provided that nothing in this Section shall be construed to prohibit issuance of a grading permit approved by the Board of Aldermen for such grading and site work as may be required to prepare a lot for development. Nothing herein authorizes a change of use to a use not permitted in the "A" Single Family Dwelling District.

Section 400.180 Special Business Permit Procedure.

- A. **Scope of Provisions.** This Section contains the regulations of the Special Business Permit Procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, which are incorporated as part of this Section by reference.
 - 1. **Statement of Purpose.** The purpose of this Section is to provide a voluntary and alternative means for existing single-family dwellings to be reutilized for office or low impact commercial services in the "Old Town" area where certain site characteristics, changes in nearby uses and traffic conditions, and the reconstruction of Highway 141 may have rendered these properties less desirable for residential purposes. The issuance of any special business permit shall only be approved after the Planning and Zoning Commission (the "Commission") has reviewed and determined that the proposal does not adversely impact the character of the surrounding neighborhood and is compatible in appearance and function with nearby uses.
 - 2. **Applicable Zoning Districts and Roadway Designation.** The special business permit procedure may be utilized on lots in the "A" Single Family Residential Dwelling District east of Highway 141. Lots considered for the special business permit procedure must have direct access onto Meramec Station Road.
 - 3. **Authorized Developments.**
 - a. The special business permit procedure may authorize the following development types:
 - (1) Office uses that do not require steady customer visits.

- (2) Commercial services of a personal or educational nature, including, music schools, art studio, alterations, tailors, architect, accounting or legal services, or other establishments offering services to the general public, excluding the manufacturing or sale of any goods on the premises except as an accessory use to a permitted use.
 - (3) Mail order or internet-based operations provided that there is no storage or display of inventory outside the dwelling or visible from the roadway inside the dwelling.
 - b. Notwithstanding the above, no special business permit may be granted if the Board of Aldermen makes the legislative finding that any proposed use would create excessive traffic, noise, or other nuisance.
4. Owner-Occupied. The special business permit may not be granted for a business that is operated by a person other than the owner of record or a person sufficiently related to the owner of record. For purposes of this Section, a person shall be considered "sufficiently-related" to the owner of record to be issued a permit if the person is an entity, owned or operated by the owner of record, whether jointly or severally or in joint tenancy or by any partnership, corporation or other entity in which the owner of record holds a fifty percent (50%) or greater interest or by any shareholder, member or partner holding a fifty percent (50%) or greater interest in such owner of record, if an entity.
 5. Site Requirements. Yard setbacks, screening, and landscaping, and building use limitations shall be as established within the conditions authorizing the special business permit. Additional restrictions applicable on a case-by-case basis are as follows:
 - a. Any building addition, parking area, or drive aisle shall comply with the setback requirements of the "A" Zoning District, except in the following instances:
 - (1) Where a special business permit property abuts a residentially zoned area, the rear yard setback shall be a minimum of fifteen (15) feet in distance. If five (5) or more parking spaces are proposed in conjunction with the use, a minimum twenty-five-foot rear yard setback shall be required.
 - (2) Where a special business permit property abuts a residentially zoned area, setback requirements may be made more restrictive in the conditions governing the site, as authorized by the special business permit, than those of the underlying district designation.

- b. Any special business permit property shall have the following use limitations:
- (1) A special business permit may be issued only for an existing structure originally constructed for occupancy as a single-family dwelling and which was constructed not less than ten (10) years prior to application for a special business permit.
 - (2) No addition shall be permitted to any structure for which a special business permit is issued that will increase the area of office/commercial use. This provision shall not prohibit the construction of an addition for living area or for sheltered parking otherwise permitted in the district in which the property is located. No such addition shall be eligible for an expansion of use granted under the special business permit.
 - (3) No alteration of a principal residential structure shall be made which changes the nature of its appearance as a residence.
 - (4) No mechanical equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside any structure on the property.
 - (5) There shall be no regular and steady visitation or concentrated coming and going of clients, patrons, or customers to or from the property.
 - (6) There shall be no exterior storage of equipment or material used in connection with the special business permit.
 - (7) If residential use of the property is retained in part, such living area shall be limited to the family of the operator of the business for which the special business permit is requested.
6. **Parking.** Off-street parking and loading spaces for a special business permit use shall comply with the applicable standards as established in Section **400.390**, Residential Parking Requirements. If additional parking is desired by applicant, applicant must include a parking plan with the site plan for the Commission's review and recommendation as to whether the desired parking detracts from the purpose of this Section as set forth in Subsection **(A)(1)**.
7. **Signage.** Signage for the special business permit procedure may consist of one (1) sign not to exceed twenty-four (24) inches by thirty-six (36) inches in sign face area. This signage shall be located on the structure at its entrance. The sign, sign location as well as lighting for the sign, must be clearly indicated on the site plan for approval.

8. General Review Process. The appearance and operation of the structure shall be compatible with the surrounding area. Each request shall be required to meet the following requirements:
 - a. A site plan shall be submitted in conjunction with the special business permit application for approval by the Commission.
 - b. A rendering of the dwelling that reflects the existing facade treatments, as well as any proposed remodeling or alterations to the exterior of the dwelling in adherence to permit requirements, shall be submitted to the Commission for approval.
 - c. If site work or building additions are involved, a review by the Metropolitan St. Louis Sewer District shall be completed for each special business permit procedure request relative to the on-site handling of stormwater, required right-of-way dedications along applicable roadways, and accessory entrance improvements.
- B. Procedures. Procedures for filing, review, and approval of the special business permit shall be as follows:
 1. Application.
 - a. Application for a special business permit for a specific tract of land shall be initiated by the filing of a verified application by the owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representatives. Application shall be submitted to the City Administrator/Clerk upon forms prescribed for such purpose by the City and accompanied by the following:
 - (1) Legal description of the property.
 - (2) Out boundary plat of the property.
 - (3) Photos of existing site and buildings.
 - (4) If changes to the exterior of the building or property are proposed, a site plan, including, but not limited to, the following:
 - (a) Location and designated uses of all buildings and other structures as well as parking and open areas shall be indicated.
 - (b) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated.

- (c) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping.
 - (d) Two (2) cross-section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
 - (e) Proposed ingress and egress to the site, including adjacent streets.
 - (f) Preliminary plan for provision of sanitation and drainage facilities.
 - (g) Preliminary plan for stormwater quality control measures (if applicable).
 - (h) Stream buffer areas.
- b. The City Administrator/Clerk may waive any of the above requirements, including a site plan, deemed inessential for a specific application.
2. Commission Action. The application shall be forwarded to the Commission only after verification that it meets the minimum application requirements. Upon review of the application, the Commission may recommend approval subject to appropriate conditions, or denial. Conditions may relate to, but need not be limited to, the following:
- a. Conditions relative to the type, location and extent of improvements and landscaping;
 - b. Conditions governing development and improvements (including minimum yard requirements);
 - c. Conditions relative to the maximum gross floor area for non-residential use;
 - d. Conditions relative to sign regulations; and
 - e. Conditions relative to performance standards.
- (1) When approval has been granted subject to conditions, and the conditions would cause a substantial change in the site plan presented at public hearing, the City Administrator/Clerk shall withhold forwarding the Commission's decision to the Board of Aldermen pending receipt of a revised plan from the applicant reflecting compliance with the conditions. The applicant shall be allowed a maximum of forty-five (45) days to submit the revised plan to the City Administrator/Clerk. If the applicant fails to submit the revised plan, the

City Administrator/Clerk shall forward its decision to the Board of Aldermen.

- (2) The Commission's recommendation shall be based upon whether the special business permit procedure proposal is consistent with the overall purpose of this Section regarding the style and functional aspects of the subject dwelling and the operational compatibility of the proposed use with surrounding uses, topography, and infrastructure. The recommendation, along with the Site Plan and conditions, where approval has been granted, shall be forwarded to the Board of Aldermen for its review.

3. Board of Aldermen's Review of Commission Recommendation.

- a. Public Hearing. A public hearing on the application shall be held in the same manner and with the same public notice procedure as required for a change of zoning (Section **400.550**).
- b. The Board of Aldermen shall review the recommendation of the Commission, including any conditions recommended, and the application and shall, considering the purpose of this Section, any additional conditions needed and the requirements of Subsection (A), either approve, approve with conditions, or deny the application. The Board's action shall be in the form of a resolution or similar manner.

4. Appeal Procedure. Appeal by anyone aggrieved by the decision of the Board of Aldermen hereunder shall be in accordance with Chapter **150**.

C. Procedure to Amend the Conditions of Special Business Permit or Site Plan. In order to amend the conditions of an existing special business permit or to amend the site development plan approved for a special business permit, the procedure shall be as follows to:

1. Amend Conditions of a Special Business Permit.

- a. The property owner or authorized representative shall submit a written request to amend conditions to the City Administrator/Clerk. The City Administrator/Clerk shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
- b. The City Administrator/Clerk shall then forward the request and its report to the Commission. The Commission shall review the proposed condition amendments and file a report with the Board of Aldermen in which the Commission shall recommend the Board grant, deny, or modify the requested condition amendments.

- c. If the Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the procedures specified herein.
2. Amend the Site Plan.
- a. The property owner or authorized representative shall submit an amended site development plan to the City Administrator/Clerk for review. The City Administrator/Clerk shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 - b. If the City Administrator/Clerk determines that the proposed amendment to the site development plan is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the Special Business Permit, the City Administrator/Clerk may approve said amended plan. The approved plan shall be retained on file by the City Administrator/Clerk.
 - c. If the City Administrator/Clerk determines that the proposed amendment to the site plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan, the City Administrator/Clerk shall so report to the applicant and the Commission. The Commission shall review the proposed site plan amendment and make a recommendation to the Board of Aldermen. The Commission may, if deemed necessary, require a new public hearing on the matter in accord with procedures specified herein.

Article V

"B" Single-Family Attached Dwelling District Regulations

Section 400.190 Use Regulations.

- A. The following are permitted uses in the "B" Single-Family Attached Dwelling District:
 - 1. Single-family attached dwellings as part of a planned residential development under single ownership containing not less than five (5) acres and not more than thirty (30) acres, provided that acreage not in excess of thirty (30) acres each may be added to the development by a separate application for each maximum thirty-acre addition.
 - a. Group Homes.
 - (1) Purpose. The City has determined that it is necessary and desirable to provide suitable sites for group homes in residential areas while, in furtherance of the recognized goals of

deinstitutionalization and dispersal, assuring that group homes are not unduly concentrated in neighborhoods so as to afford mentally or physically disabled persons every opportunity to be integrated in the community. To that end, group homes in residential districts shall comply with the following:

- (a) To promote deinstitutionalization and dispersal, no group home may be located within five hundred (500) feet of another group home, measured by the straight line distance between the nearest points of the exterior walls (exclusive of overhangs) of the buildings within which the relevant facilities or uses are located;
 - (b) Adjoin any lot upon which another group home already exists; or
 - (c) Be separated from any lot upon which an existing group home already exists only by a street or roadway.
- (2) The exterior appearance of the home and property, occupancy limitation, signage and other standards applicable to single-family dwellings shall apply equally to group homes.
 - (3) Notwithstanding any other provision of this Section to the contrary, any individual, group or entity may make a request for reasonable accommodation from the provisions of this Section pursuant to the procedures set forth in Sections **230.150** through **230.240** of this Code.
- b. Foster Homes.
 - 2. Churches, synagogues and other houses of worship.
 - 3. Municipally owned or operated parks or playgrounds.
 - 4. Non-commercial forests and gardens.
 - 5. Temporary buildings for uses incidental to construction; provided that no such building shall be located within a required yard or within twenty-five (25) feet of any lot line and no trees shall be removed for the placement of such temporary building. The temporary building shall be removed upon the earlier occurring of one (1) year from initial placement of the temporary building or upon the completion or abandonment of the work, unless express written permission to continue the location of such temporary building is granted by the Board of Aldermen upon good cause shown.
 - 6. Customary Home Occupations.
 - a. Provided that the Code Enforcement Official finds:

- (1) The customary home occupation does not occupy more than twenty-five percent (25%) of the floor area of the premises;
 - (2) No alteration is made to the exterior of the premises that would indicate the presence of a customary home occupation;
 - (3) No commercial or delivery vehicles used in connection with the customary home occupation are parked at or stored on the premises or visit the premises with a frequency of more than one (1) visit per day; and
 - (4) No steady or concentrated visitation of clients to the premises which would disrupt the residential character of the surrounding neighborhood results from the conduct of the customary home occupation and, in the case of customary home occupations involving teaching or other types of instruction, visitation shall be limited to one (1) pupil at a time except for occasional seminar groups.
- b. Persons wishing to maintain a home occupation in accordance with this Section shall submit to the Code Enforcement Official a written application on forms provided by the City describing the type of home occupation, the total floor area of the dwelling in which the home occupation is to be located, the amount of floor area to be occupied by the home occupation, the type of equipment used in the conduct of the home occupation and certifying that the proposed home occupation complies with each of the requirements of this Subsection. An application fee of twenty-five dollars (\$25.00) shall accompany the application. Upon receipt of a complete application, the Code Enforcement Official shall verify whether the proposed home occupation complies with the foregoing requirements and, accordingly, shall issue or deny the application for the home occupation. Following approval of an application in accordance with this Subsection, any change in the amount of floor area occupied by the home occupation as certified in the original application or any change in the type of home occupation shall require a new application, together with the payment of application fee and review and approval in accordance with this Section. A separate business license is not required for a home occupation.
7. Accessory buildings or accessory uses as specified below, provided that no accessory building or accessory use shall be located in the front yard or less than eleven (11) feet from any side lot line or less than five (5) feet from the rear lot line:

Accessory Building or Accessory Use	Maximum Area	Maximum Height
Accessory building, enclosed on all sides and roofed, not including a private garage	144 square feet	8 feet
Doghouse, dog run or	50 square feet	6 feet including fencing

Accessory Building or Accessory Use combination	Maximum Area	Maximum Height
Swimming pool, in conjunction with a single-family dwelling constructed and fenced as required by St. Louis County Codes	1,000 square feet water surface area	4 feet
Private garage	700 square feet	Height regulations as described in § 400.200

No more than one (1) of each above-listed accessory building is permitted per lot.

- a. All detached garages must have an associated driveway which provides direct access to the detached garage for the storage of vehicles. Failure to have an associated driveway to the building will be conclusive evidence that the accessory building is not a detached garage.
 - b. Nothing in this Section **400.190** shall prevent the owner of a dwelling unit or owner's authorized agent from constructing both an attached and detached garage on a single lot, each up to a maximum of 700 square feet, provided that the lot and structures thereon comply with the area regulations outlined in Section **400.210**.
 - c. No private garage shall be used as a dwelling unit; nor shall a private garage be constructed to contain a dwelling unit within said private garage.
 - d. Carports are prohibited in the "B" Single-Family Dwelling District.
 - e. Nothing in this Section **400.190(A)(8)** shall prevent the Board of Aldermen from approving a detached or attached private garage, carport or other accessory structure or waiving the size requirements as part of an approved planned development ("PD-MxD" or "PD-R") under Section **400.380** of this Chapter.
 - f. Accessory buildings shall be compatible with the principal building on the lot in terms of architectural treatment and harmony and shall be maintained in compliance with Chapter **500**, Article **VII**, Property Maintenance Code; Chapter **505**, Dangerous Buildings; and Chapter **215**, Nuisances. If the Code Enforcement Official determines that more than fifty percent (50%) of an accessory building is damaged or dilapidated or that the accessory building is damaged or dilapidated by more than fifty percent (50%) of its value, the Code Enforcement Official shall give notice to the lot owner of such determination and the owner shall cease to use the accessory building and remove it from the lot within the time frame indicated in the notice.
8. Other accessory uses, and accessory buildings designed in conjunction with and for the sole use of residents of a planned residential development and guests including, by way of

illustration rather than limitation, clubhouse, tennis courts, swimming pool. All such accessory uses, and accessory buildings shall be subordinated to the residential character of the planned development and of the area and no advertising shall be permitted.

- a. All above-grade accessory buildings shall be landscaped with evergreens so that the outline of the accessory building is interrupted. All accessory buildings shall be compatible with the principal building(s) on the lot in terms of architectural treatment and harmony.
 - b. No accessory building shall be erected or placed upon a lot until construction of the principal building(s) has commenced.
9. Nothing herein shall be construed as permitting short term rental uses in the "B" Single-Family Attached Dwelling District either as a home occupation or as a single-family dwelling use. Short-term rentals are prohibited in the "B" Single-Family Attached Dwelling District.

Section 400.200 Height Regulations.

- A. Except as provided in this Section, no building shall exceed thirty-five (35) feet in height.
- B. Churches, synagogues, and other houses of worship may exceed thirty-five (35) feet in height to a maximum of sixty (60) feet in height, provided that for each one (1) foot in height in excess of thirty-five (35) feet, the building shall be set back one (1) foot from each lot line or required minimum yard area.
- C. Chimneys, rooftop mechanical appurtenances and other purely ornamental or mechanical accessories shall not be considered for purposes of determining height.

Section 400.210 Area Regulations.

- A. Yard Requirements. Yard requirements shall be as provided on the schedule following:

Use	Minimum Lot Size	Minimum Setback	Maximum Coverage
Single-family attached dwelling	N/A	No principal building shall be located within 25 feet of another or within 30 feet of a curb line	20%
Other permitted principal use	12,000 square feet	Front: 35 feet Side: 11 feet Rear: 50 feet and where any side or rear	15%

Use	Minimum Lot Size	Minimum Setback	Maximum Coverage
		yard coincides with a residential lot line, an additional buffer strip at least 20 feet in width and planted with trees, shrubs or similar vegetation shall be provided	

B. Reserved.

C. Dwelling Unit Floor Area Requirements.

1. Every one-story single-family dwelling shall have a total floor area of not less than one thousand five hundred (1,500) square feet measured from the exterior walls, excluding private garages and other covered storage areas. Every single-family dwelling of more than one (1) story shall have a floor area on the first floor of not less than one thousand one hundred (1,100) square feet measured from the exterior walls, excluding private garages and other covered storage areas and each floor above the first floor shall have a floor area of not less than seven hundred fifty (750) square feet measured from the exterior walls, excluding private garages and other covered storage areas.

2. Every dwelling unit located in a one-story single-family attached dwelling shall have a total floor area of not less than one thousand two hundred (1,200) square feet measured from the exterior walls, excluding private garages and other covered storage areas. Every dwelling unit located in a single-family attached dwelling of more than one (1) story shall have a floor area on the first floor of not less than one thousand (1,000) square feet measured from the exterior walls, excluding private garages and other covered storage areas and each floor above the first floor shall have a floor area of not less than five hundred (500) square feet measured from the exterior walls, excluding private garages and other covered storage areas.

D. Planned Residential Development Requirements. Single-family attached dwellings together with single-family dwellings as part of a planned residential development shall satisfy the following requirements:

1. Density. Average gross residential density, exclusive of areas devoted to streets and parking areas, walkways, common open space, service facilities and other accessory uses shall not exceed four (4) dwelling units per acre and in the case of a proposed planned residential development consisting of both single-family dwellings and single-family attached dwellings, in no event shall more than sixty percent (60%) of the total number of dwelling

units proposed be either single-family dwellings or single-family attached dwellings. Common open space shall be no less than fifteen percent (15%) of the total planned residential development area exclusive of areas devoted to streets and parking areas, walkways, common open space, service facilities and other accessory uses. Common open space areas shall be located as approved by the Board of Aldermen.

2. Site Design Requirements for Dwelling Units.
 - a. All dwelling units shall be located and arranged to enhance the privacy of residents.
 - b. Conventional siting practices may be varied within minimum standards to produce a more attractive arrangement of buildings and amenities.
 - c. The effect of prevailing winds, seasonal temperatures, daily hours of sunlight, existing vegetation and scenic vistas shall be considered in designing and siting buildings and amenities.
 - d. Dwelling units shall be located to promote pedestrian and visual access to common open space.
 - e. No building or structure shall be located less than fifty (50) feet from a "B" Single-Family Attached Dwelling District boundary. A buffer strip of not less than fifty (50) feet in width shall be provided along the perimeter of the entire planned residential development. No drives, walkways or parking spaces shall occupy such buffer strip, except as necessary, to provide a means of ingress and egress from the development to a public thoroughfare; provided that the Board of Aldermen may require that the buffer strip be supplemented with additional landscaping and fencing.
3. Site Design Requirements for Common Open Space and Environmental Preservation.
 - a. The location, size, configuration, and character of common open spaces shall be designed to enhance existing natural features and to provide for appropriate on-site stormwater retention meeting standards of the Metropolitan St. Louis Sewer District.
 - b. Common open space shall be designed as a contiguous area affording pedestrian and visual access by residents of the planned residential development.
 - c. Natural features, such as scenic views, woodlands, trees, major vegetation areas, streams, and watercourses, shall be preserved wherever possible. Location of existing trees having a diameter of six (6) inches or more as measured at a height of four (4) feet above original grade shall be a factor in locating buildings, utilities, streets paved areas and finished grades to provide that such trees are preserved to the maximum extent possible.

- d. All development activities shall minimize earthmoving and erosion. Where earthwork is required, erosion prevention and control measures such as installation of silt catchment basins together with seeding, sodding, and mulching shall be instituted.
- e. All utilities shall be installed underground.

Section 400.220 Off-Street Parking Facilities.

Off-street parking facilities shall be provided as required in Article X, Sections **400.390** and **400.400** of this Chapter.

Section 400.230 Application and Approval Procedures.

- A. The owner or developer of any lot or lots located within and meeting the requirements of a "B" Single-Family Attached Dwelling District, prior to the erection, conversion, enlargement, reconstruction or structural alteration of any principal building on or change of principal use of such lot or lots, shall file with the Board of Aldermen an application for site development plan approval; provided that site plan approval shall not be required for the conversion, enlargement, reconstruction or structural alteration of any existing single-family dwelling or single-family attached dwelling but shall be required for initial construction of any new single-family dwelling or single-family attached dwelling. The application shall be submitted on forms provided by the City and shall include a site development plan prepared by a licensed professional architect, engineer or land surveyor together containing support information satisfying the following requirements:
 - 1. The name of the owner or developer and of the professional architect, engineer, planner, or land surveyor responsible for the preparation of the proposed site development plan.
 - 2. Existing and proposed site grades identifying all grade changes and areas of cut and fill at a minimum contour interval of two (2) feet, or one (1) foot in areas where average slopes are three percent (3%) or less.
 - 3. Existing landscape and natural features plan identifying specific location of all woodlands, trees, major vegetation areas, streams, watercourses and other natural resources and features and delineating specific provisions to be taken to preserve or to minimize impact on these natural features.
 - 4. All existing and proposed uses and buildings.
 - 5. Sidewalks and walkways.
 - 6. Driveways, existing and proposed curb cuts, vehicle travel lanes and parking areas.
 - 7. Means for the provision of water, sanitary sewerage, storm drainage, electric and natural gas

services, and telephone and telecommunications services including cable facilities.

8. Existing and proposed easements and dedications.
 9. Building plans and elevations depicting exterior materials and treatments; height, bulk, and locational relationships.
 10. Other information which the Planning and Zoning Commission or the Board of Aldermen may designate.
- B. Upon the filing of a complete application for site development plan approval with the Board of Aldermen, the City Administrator/Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study, and report. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval, or modification of the proposed site development plan.
- C. Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of Aldermen shall schedule and conduct a public hearing on the proposed site development plan after having given notice of time, place, and purpose of the hearing by publication at least once in a newspaper of general circulation within the City which publication shall appear at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen. Upon conclusion of the hearing, the Board of Aldermen may in writing approve, disapprove, or modify the site development plan. The Board of Aldermen shall promptly transmit a copy of the final action on the proposed site development plan to the applicable Code Enforcement Official(s).
- D. Proposed construction or change of a principal use approved pursuant to this Section shall commence within six (6) months of the date of approval by the Board of Aldermen of the site development plan and application or the site development plan approval shall lapse and be void.
- E. No building permit to erect, convert, enlarge, reconstruct or structurally alter any principal building (other than for conversion, enlargement, reconstruction or structural alteration of an existing single-family dwelling or single-family attached dwelling) and no approval to change a principal use shall issue until the Board of Aldermen has approved a site development plan in accordance with this Section; provided that nothing in this Section shall be construed to prohibit issuance of a grading permit approved by the Board of

Aldermen for such grading and site work as may be required to prepare a lot or lots for development.

Article VI Supplemental Regulations in Residential Districts

Section 400.240 Location Utilities.

- A. All utility distribution lines shall be installed underground.
- B. Cable switching enclosures, pad-mounted transformers and service pedestals may be installed above ground, but pad-mounted transformers shall not be located within a front yard.

Section 400.250 Satellite Dishes.

No satellite dish or other similar earth reception station which exceeds twenty-four (24) inches in diameter shall be located in an "A" Single-Family Dwelling District or a "B" Single-Family Attached Dwelling District unless totally screened from view from adjoining properties and not located within a front yard. Any satellite dish or other similar earth reception station which exceeds twenty-four (24) inches in diameter shall be made of mesh material, painted black or grey and installed on the ground.

Section 400.260 Outdoor Lighting.

- A. All outdoor premises lighting including landscape lighting shall be placed, designed and installed in a manner which will prevent light from falling directly on an adjoining lot or premises.
- B. Dusk to dawn lights shall not exceed two hundred fifty (250) HPS in wattage and shall be directed or shielded in a manner which will prevent light from falling directly on an adjoining lot or premises.

Section 400.270 Reserved.

Article VII
"C" Commercial District Regulations

Section 400.280 Use Regulations.

A. Permitted Uses. The following are permitted uses in the "C" Commercial District; provided that a permanent building or premises shall be required for all permitted principal uses:

1. Bakeries.
2. Beauty shops.
3. Bookstores.
4. Churches, synagogues, and other houses of worship.
5. Coffee shops.
6. Copy, fax, packing and shipping services centers.
7. Day care facilities.
8. Gift shops.
9. Greeting card shops and stationery stores.
10. Ice cream and frozen custard shops.
11. Internet web design centers.
12. Nail care shops.
13. Picture framing shops.
14. Professional offices for accountants, attorneys, dentists and dental care, graphic design, insurance, physicians, and medical care (but not clinics), tax preparers and similar.
15. Retail clothing shops.
16. Retail dry cleaning establishments and laundries, provided that not more than eight (8) employees may be working on the premises at any time.
17. Shoe repair shops.
18. Tailor shops.

19. Temporary buildings for uses incidental to construction, provided that no such building shall be located within a required yard or within twenty-five (25) feet of any lot line and no trees shall be removed for the placement of such temporary building. The temporary building shall be removed upon the earlier occurring of one (1) year from initial placement of the temporary building, or upon the completion or abandonment of the work, unless express written permission to continue the location of such temporary building is granted by the Board of Aldermen upon good cause shown.
20. Accessory uses and accessory buildings in conjunction with any of the above permitted principal uses, provided that no accessory building shall be erected or placed upon a lot until construction of the principal building(s) has commenced.
21. A change from one (1) of the above-permitted uses to another above-permitted use within the same building or premises, provided that the change will not involve any of the following characteristics: a building or premises having more than ten thousand (10,000) square feet, new construction to the building or premises, or substantial change to the existing building or premises. If the proposed change will involve one (1) or more of the above-listed characteristics, the applicant must follow the development plan process detailed in Section **400.340** to seek approval for a planned use instead.

B. Planned Uses.

1. All uses designated as "planned uses" as set forth in this Subsection shall require the approval of a final development plan prior to the issuance of a building permit if they meet the criteria set forth in Section **400.340**. The submission requirements, procedures and approval standards governing development plans are set forth in Section **400.340**. Planned uses will be approved only if the Board of Aldermen, in its sole discretion, after review shall determine that the specific location and circumstances are appropriate for the use.
2. The following are planned uses in the "C" Commercial District, provided that a permanent building or premises shall be required for all permitted principal uses:
 - a. Appliance and furniture stores.
 - b. Banks.
 - c. Bowling alleys.
 - d. Business schools, dancing or music academies, cosmetology schools.
 - e. Computer sales and service stores.
 - f. Department stores.
 - g. Drug stores and pharmacies.

- h. Food catering establishments.
- i. Grocery stores and supermarkets.
- j. Hardware stores.
- k. Motor vehicle oriented businesses (MVOB).
- l. Movie theaters.
- m. Office supply stores.
- n. Pet shops.
- o. Physical fitness centers.
- p. Post offices.
- q. Restaurants.
- r. Shoe stores.
- s. Sporting goods stores. (new merchandise only)

C. Conditional Uses. A retail or service use which meets criteria set forth in Section **400.420** of this Chapter may, after public hearing and making required findings, be authorized by the Board of Aldermen as a part of and subject to development plan process approval.

Section 400.290 Additional Use Requirements.

No building or premises occupied and used for any of the permitted principal uses identified in Section **400.280** of this Chapter shall have more than forty percent (40%) of its floor area devoted to storage or other uses accessory to such permitted principal use nor more than five (5) persons employed at any time in such accessory use.

Section 400.295 Spacing Requirement for Medical Marijuana Uses.

A. No medical marijuana use, whether in the "C" District or a "PD-RxM" District, shall be located within one-hundred (100) feet of any then-existing elementary school, secondary school, child day-care facility, or church. As used in the previous sentence, "then-existing" shall mean any elementary school, secondary school, child day-care center, or church with a building permit from the City to be constructed, or under construction, or completed and in use at the time the medical marijuana use applies for a zoning permit.

B. When measuring the spacing requirement, the following guidelines shall be followed:

- 1. In the case of a freestanding medical marijuana use facility, the distance between the facility and the elementary school, secondary school, child day-care facility, or church shall be

measured from the external wall of the facility structure closest in proximity to the elementary school, secondary school, or church to the closest point of the property line of the elementary school, secondary school, child day-care facility, or church.

2. In the case of a medical marijuana use facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the elementary school, secondary school, child day-care facility, or church shall be measured from the property line of the elementary school, secondary school, child day-care facility, or church to the facility's entrance or exit closest in proximity to the elementary school, secondary school, child day-care facility, or church.
3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

Section 400.300 Height Regulations.

- A. Except as provided in this Section, no building shall exceed thirty-five (35) feet in height.
- B. Churches, synagogues, and other houses of worship may exceed thirty-five (35) feet in height to a maximum of sixty (60) feet in height.
- C. Chimneys, rooftop mechanical appurtenances and other purely ornamental or mechanical accessories shall not exceed the highest point of the building by more than 10% unless otherwise required by applicable building codes.

Section 400.310 Area Regulations.

- A. No building shall be erected or maintained, nor vehicular parking area provided within thirty (30) feet of any boundary of a "C" Commercial District. This area may, however, be occupied by drives, sidewalks, landscaping, and similar facilities.
- B. A buffer strip of not less than fifty (50) feet in width shall be provided along any perimeter of a commercial development which adjoins an "A" Single-Family Dwelling District, a "B" Single-Family Attached Dwelling District or a "D" Park District, except where abutting a public street. No drive, walkway, parking space or vehicular travel way shall occupy any portion of the buffer strip, provided that the Board of Aldermen may require that the buffer strip be supplemented with additional plantings, landscaping and fencing.
- C. Buffer strips and all landscaping therein once implemented shall be maintained by the property owner/occupant in accordance with any approved landscape plan for the area. Any change to such buffer strips from the approved site plan shall require an amendment to the site plan prior to any work commencing.

Section 400.320 Off-Street Parking Facilities In "C" Residential Districts.

Off-street parking facilities shall be provided as required in Section **400.400** of this Chapter except where modified by the Board of Aldermen in accordance with approval of a development plan or limited development plan as provided in this Article.

Section 400.330 Site Design Requirements.

- A. The following requirements are supplementary to additional use requirements, height regulations, area regulations and parking regulations set forth in this Article and together with the provisions of this Section shall be minimum standards for site design and building construction, reconstruction or use within a "C" Commercial District.
1. All uses, except off-street parking and loading facilities and facilities for storage and removal of refuse, shall be conducted entirely within an enclosed building or structure unless a conditional use permit (if permanent) or special event permit (if temporary) is issued by the Board of Aldermen.
 2. Building materials and facades shall be uniform and compatible in type, color and texture with the existing City environment and shall adhere to the Urban Design Guidelines of the City of Twin Oaks, a copy of which is on file in the City office and incorporated in this Section by reference.
 3. All portions of required buffer strips shall be adequately landscaped as determined by the Board of Aldermen utilizing plantings, fencing or a combination of both. Any parking area visible from a public or private street shall be landscaped with appropriate plantings, trees, decorative walls, or a combination of these elements. All landscaped areas shall be properly irrigated and maintained at all times.
 4. All loading areas shall be screened from view from adjoining streets and adjacent properties and all facilities for storage and removal of refuse shall be located within sight-proof enclosures.
 5. No light standard shall exceed twenty-four (24) feet in height. All on-site illumination sources shall be located, oriented, and directed such that no light is cast directly on any adjoining property or street.
 6. All rooftop mechanical equipment shall be adequately screened as determined by the City.
 7. All utility lines shall be installed underground and shall rise within proposed buildings.
 8. All development activity shall minimize soil and site disturbance and erosion. Where site disturbance is necessary, adequate erosion control measures as determined by the City utilizing plantings, seeding, mulching and silt catchment basins and similar methods shall be applied.

Section 400.340 Development Plan Process and Limited Development Plan Process.

Purpose. To avoid unplanned, fragmented development, the City has developed a plan ("Master Development Plan") to address and evaluate all future redevelopment activities within the City's commercial district. Therefore, certain applications for "redevelopment" or "development" within any of the City's commercial districts shall be subject to "development plan" approval process set forth herein where specified circumstances exist. It is the intent of this Section to authorize these "planned uses" only where the location and circumstances are appropriate to the use and a development plan is approved by

the Board of Aldermen for any use designated as a planned use. It is also the intent of this Section to increase the flexibility of development design through evaluation and approval of a redevelopment plan. Approval of a redevelopment plan shall be considered a legislative act of rezoning. Any ordinance approving a redevelopment plan shall be deemed to incorporate the provisions of this Section.

A. Development Plan Process.

1. Applicability. The development plan process set forth in this Section shall be required when any one (1) of the following situations is proposed:
 - a. New construction of buildings;
 - b. Expansion of existing buildings in excess of ten percent (10%) of the existing floor area;
 - c. Any alteration which changes existing drive aisles or vehicle access to or on the site;
 - d. Any alteration to the site which would result in more than one (1) curb cut;
 - e. Any development or expansion of motor vehicle oriented business; or
 - f. Any change from a permitted use, approved planned use or approved conditional use to a new use listed as a planned use if such change relates to a building or premises having more than ten thousand (10,000) square feet, new construction to the building or premises, or substantial change to the existing building or premises.
2. Preliminary Development Plan Submittal Requirements. Persons proposing any development or use which involves one (1) or more of the situations set forth in Subsection (A)(1) of this Section shall initially file with the City Administrator/Clerk an application on forms provided by the City and accompanied by such application fees as may be prescribed from time to time by ordinance together with twelve (12) copies of a proposed preliminary development plan and support documentation, which preliminary development plan shall be prepared by a licensed professional engineer, architect or land surveyor and shall include the following information:
 - a. Names of the developer or owner of the real property and of the professional engineer, architect or land surveyor responsible for preparation of the proposed development plan and total site area in acres or square feet;
 - b. Proposed location of buildings, other structures and proposed lot boundaries and arrangements, i.e., ground leases, subdivisions, dedications;
 - c. Location of existing buildings, other structures and existing and lot boundaries and arrangements including easements and dedications;
 - d. Identification and location of adjacent uses and property ownership to a distance of one hundred (100) linear feet from site boundaries;

- e. Identification of land areas within the one-hundred-year floodplain;
 - f. Existing and proposed grading and areas of cut and fill at a minimum contour interval of two (2) feet and one (1) foot in areas where average slopes are five percent (5%) or less, together with proposed retaining walls or similar slope stabilization structures or methods, identifying height and type of materials to be utilized;
 - g. Landscaping and natural resources protection plan depicting location and massing of existing vegetation and trees; existing streams, watercourses and natural features together with specific measures to be taken to preserve or minimize development impacts; proposed landscaping and plantings including plant materials and sizes; identification of screening and buffer areas, open space and other amenities;
 - h. Traffic and parking plan depicting location of public streets, identifying arterials, collectors and local streets; service and loading areas; points of access to public rights-of-way; existing and proposed parking areas, drives and pedestrian walks; and, as required by the Board of Aldermen, traffic studies and counts describing vehicle turning movements, peak and off-peak traffic impacts, existing and proposed levels of service and such other information and analyses as may be required;
 - i. Existing and proposed water, sanitary sewerage, and storm utility systems including drainage structures, inlets and provisions for on-site stormwater retention and for minimizing impact on existing drainage patterns and facilities;
 - j. Elevations of proposed buildings and building masses depicting general style, size, and exterior construction materials. Where several building types are proposed, a separate sketch shall be prepared for each type;
 - k. Size, location, color and materials of all signs to be attached to building exteriors;
 - l. Schedules indicating gross floor area, site area, building coverage, parking spaces, and proposed plant materials by type, size and quantity;
 - m. Phases of development, if applicable.
3. Review Procedures; Public Hearing. Upon the filing of the application for development plan, the City Administrator/Clerk, after providing copies of the application to the Board of Aldermen, shall refer the same to the Planning and Zoning Commission for review, study and report and the Planning and Zoning Commission shall report to the Board of Aldermen recommendations regarding the application and the development plan. Upon receipt of the recommendations of the Planning and Zoning Commission, the City Administrator/Clerk shall schedule a public hearing before the Board of Aldermen after giving notice of the time, place, and purpose of such hearing by publication at least once in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the public hearing. After the public hearing, the Board of Aldermen shall review the application and development plan. Any Board

approval of a preliminary development plan shall be by resolution. The Planning and Zoning Commission and the Board of Aldermen shall apply the minimum standards for site design and building construction set forth in this Article, the Master Development Plan and its Urban Design Guidelines as a guide for review of proposed preliminary development plan applications. If the Board of Aldermen imposes conditions or restrictions on a proposed preliminary development plan, the Board of Aldermen shall designate those specific requirements that must be met before an applicant may submit for consideration a final development plan for the proposed development under Subsection (A)(4) below. In considering any proposed preliminary development plan application, consideration may also be given to the criteria stated below, to the extent pertinent to the particular application:

- a. Development is compatible with and incorporates standards and principles contained in the minimum standards for site design and building construction set forth in this Article, the Master Development Plan, the Master Landscaping Plan, and the Urban Design Guidelines.
 - b. Development is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - c. Development will not impede the normal and orderly development and improvement of the surrounding property nor impair the use and enjoyment or value of neighboring properties.
 - d. Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.
 - e. The capability of the site area and location to accommodate the building, parking areas and drives with appropriate open space and safe and easy ingress and egress.
 - f. The degree of harmony between the architectural quality and siting of the proposed buildings with that of surrounding buildings and structures.
4. Duration of Plan Approval — Final Development Plan Submittals. The approved preliminary development plan shall specify the duration of its validity, but in no event shall an approved preliminary development plan be valid for a period longer than twelve (12) months from the date of such approval. The Board of Aldermen may grant one (1) extension not exceeding twelve (12) months upon written request. The approval of a revised preliminary development plan shall not automatically extend the time period during which the preliminary development plan is valid. Within the period of validity of an approved preliminary development plan, the applicant shall submit to the Board of Aldermen for final approval a final development plan which shall satisfy all submission requirements of the preliminary development plan and shall additionally provide:
- a. Finished grades or contours for the entire site.

- b. All proposed and existing adjacent public street rights-of-way with center line location.
 - c. All proposed and existing adjacent public street and public drive locations, widths, curb cuts and radii.
 - d. Location, width, and limits of all existing and proposed sidewalks.
 - e. Location, size, and radii of all existing and proposed median breaks and turning lanes.
 - f. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
 - g. Depiction of all required building and parking setbacks.
 - h. Location, dimensions, number of stories and area in square feet of all proposed buildings.
 - i. Limits, location, size, and material to be used in all proposed retaining walls.
 - j. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
 - k. Location, height, intensity, and type of outside lighting fixtures for buildings and parking lots.
 - l. Location, size, and type of material of all proposed monument or freestanding signs.
 - m. Final stormwater collection and detention and erosion control plans.
 - n. Final water and sanitary sewerage plans.
 - o. Final written approval from all interested jurisdictions, including MSD and Valley Park Fire District or West County Fire District, as applicable.
 - p. Final landscaping and natural resources protection plans.
5. Final Development Plan Review. A final development plan that contains no changes or additions to the approved preliminary development plan may be approved by the Board of Aldermen without further Planning and Zoning Commission review upon a determination that all conditions of approval of the preliminary development plan, if any, have been satisfied by the applicant, and that all other submission requirements have been satisfied. A final development plan that contains minor changes to the approved preliminary development plan may be approved by the Board of Aldermen provided that the Board of Aldermen determines that the landscaping, buffer area and screening plans are adequate, that the proposed development will be compatible with proposed and existing adjacent development, and that all other submission requirements have been satisfied. The phrase "minor changes," as used in this

Subsection, shall mean changes that do not affect traffic or pedestrian access and otherwise are consistent with the intent of the original approval. A final development plan that contains changes, other than minor changes, from the approved preliminary development plan shall follow the procedure for application, submission, and consideration of preliminary development plan applications. Any approval of a final development plan by the Board of Aldermen shall be by ordinance.

6. Validity of Final Development Plan. Final development plan approval shall not be valid for a period longer than twelve (12) months from the date of such approval, unless within such period a building permit is obtained, and substantial construction is commenced, and all additional building permits necessary to complete the project as approved in the final development plan schedule are obtained in a timely fashion as determined by the City Administrator/Clerk. The Board of Aldermen may grant one (1) extension of no more than twelve (12) months upon written request of the original applicant. An application for extension of a final development plan may be granted, if the application is filed before the final development plan expires. Upon granting an extension, the Board of Aldermen shall have the authority to attach new conditions to the final development plan as the Board deems appropriate. "Substantial construction," as used in this Subsection, shall mean completion of at least ten percent (10%) of the construction in terms of the total expected cost of the project for which the permit was issued.
7. Plan Recordation. Following the Board of Aldermen's approval by ordinance of a final development plan, a copy of the final development plan signed by the Mayor shall be filed by the applicant with the Recorder of Deeds of St. Louis County within sixty (60) days. All filing fees shall be paid by the person who filed the development plan application. The authorization for the use approved by the final development plan shall not become effective until a copy of the recorded plan bearing its recordation notations shall be returned and placed on file with the City Administrator/Clerk.
8. Abandonment.
 - a. A final development plan or a phase thereof shall terminate and be deemed abandoned if:
 - (1) The applicant or landowner shall fail to commence development by failing to receive a building permit or failing to undertake substantial construction on the property after receiving a building permit within twelve (12) months after receiving final development plan approval, or a longer period of time if an extension of the final development plan has been granted by the Board of Aldermen; or
 - (2) The applicant or landowner abandons the final development plan or a phase thereof and notifies the City in writing of the abandonment; or
 - (3) The applicant, successor applicant or landowner seeks to change a project after approval of a Final Development Plan but fails to submit an application for an

Amended Final Development Plan as set forth in Section 400.340(B) within ninety (90) days of the change or attempted change to the project provided that the Board of Aldermen may extend this deadline up to sixty (60) days for good cause shown.

- b. Whenever a final development plan or phase thereof has been abandoned as provided in this Subsection, no development shall take place on the property until a new final development plan has been approved.
- B. Changes to A Project After Final Development Plan Approval. Prior to changes being made to a site that is the subject of an approved final development plan, the approved final development plan must be amended in the following circumstances using the process set forth below.
 1. Minor Changes. A proposed amendment of a final development plan that contains minor changes to the approved final development plan may be approved without further action of the Planning Commission or the Board of Aldermen or a public hearing, provided that the City Engineer and City staff determines that the change(s) is a minor change and that the landscaping, buffer area and screening plan is adequate, that the proposed changes to the development will be compatible with proposed and existing adjacent development and that all other submission requirements have been satisfied. The phrase "minor changes," as used in this Subsection, shall mean changes that:
 - a. Accommodate the building(s), parking and drives with appropriate open space and safe and easy ingress and egress with no traffic congestion and/or loss in required parking or landscaping.
 - b. Are compatible with the minimum standards for site design and building construction set forth in this Article, the Master Development Plan and its Urban Design Guidelines, any supplement thereto and/or adopted regulations and the criteria governing the rezoning of property.
 - c. Are consistent with the intent, density, and scope of the original approval.
 - d. Are designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected and will not impair the use and enjoyment or value of neighboring properties.
 - e. Are architecturally consistent with and of a similar quality of the proposed building and the surrounding neighborhood.
 - f. Do not seek to modify the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations or the approved final development plan.
 2. All Other Changes--Amended Final Development Plan. A proposed use of a site that contains changes other than minor changes from the approved final development plan shall follow the procedure for application, submission and consideration of final development plans and an

amending ordinance by the Board of Aldermen.

3. Indication of Changes. All applications for amendment shall be accompanied by a narrative statement that describes the proposed changes to the site and site plans that indicate existing conditions and proposed changes to the approved plan sought by the applicant.

C. Limited Development Plan Process.

1. Applicability. The limited development plan process set forth in this Section shall be required when any of the following situations is proposed:
 - a. Any alteration, expansion or modification to a site or the exterior of a structure located within a "C" Commercial District which is listed as a planned use but does not require a development plan process review and approval under Subsection (A) of this Section; or
 - b. Any change in use to another use which is a planned use in the "C" Commercial District provided that no development plan or limited development plan approval under this Section shall be required where the proposed activity is limited to a change in ownership or a change in tenant occupancy that does not involve a change in use.
2. Limited Development Plan Submittal Requirements. Persons proposing any development or use which involves one (1) or more of the situations set forth in Subsection (B)(1)(a) of this Section shall initially file with the City Administrator/Clerk an application on forms provided by the City and accompanied by such application fees as the Board of Aldermen may prescribe from time to time by ordinance together with twelve (12) copies of a proposed limited development plan and support documentation which shall include the following information:
 - a. A written detailed description of the proposed use of the property;
 - b. A sketch plan of the site (may be hand drawn) showing approximate location of buildings, other structures and lot arrangements as well as any proposed landscaping or exterior improvements and proposed location and type of signage;
 - c. The approximate gross floor area of existing and proposed use;
 - d. A description of the expected parking needs;
 - e. Details of any proposed improvements to the property;
 - f. A description of the types of products to be sold or services to be provided;
 - g. The proposed hours and days of operation;
 - h. The maximum number of employees;

- i. The date on which the applicant proposes to begin the use;
 - j. A description of any other existing uses and/or tenants on the property;
 - k. A description of the uses of adjacent properties; and
 - l. Any State or St. Louis County licensing requirements for the proposed use along with copies of all licenses obtained.
3. Review Procedures.
- a. The application for limited development plan shall be referred to the Planning and Zoning Commission for review and study after which the Planning and Zoning Commission shall report to the Board of Aldermen recommendations regarding the application and the limited development plan. The Board of Aldermen and the Planning and Zoning Commission shall apply the minimum standards for site design and building construction set forth in this Article, the Master Development Plan, the Master Landscaping Plan, and the Urban Design Guidelines as a guide for review of proposed limited development plan applications. The Board of Aldermen may impose conditions or restrictions on a proposed limited development plan. In considering any proposed limited development plan application, the Commission and Board of Aldermen shall also consider the criteria stated below, to the extent pertinent to the particular application:
 - (1) The use is compatible with and incorporates standards and principles contained in the minimum standards for site design and building construction set forth in this Article, the Master Development Plan, the Master Landscaping Plan, and the Urban Design Guidelines.
 - (2) The use is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - (3) The use will not impede the normal and orderly development and improvement of the surrounding property nor impair the use and enjoyment or value of neighboring properties.
 - (4) The site incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.
 - (5) The capability of the existing site to accommodate the use, building, parking, and drives.
 - (6) The effect of the proposed limited development plan on other tenants or users of the property.
 - b. Approval of any limited development plan shall be by ordinance following conclusion of

a public hearing thereon after giving notice of the time, place, and purpose of such hearing by publication at least once in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the public hearing.

4. Plan Recordation. Following the Board of Aldermen's approval by ordinance of a limited development plan, a copy of the limited development plan signed by the Mayor shall be filed by the applicant with the Recorder of Deeds of St. Louis County within sixty (60) days. All filing fees shall be paid by the person who filed the development plan application. The authorization for the use approved by the limited development plan shall not become effective until a copy of the recorded plan bearing its recordation notations shall be returned and placed on file with the City Administrator/Clerk.
5. Abandonment.
 - a. An approved limited development plan shall terminate and be deemed abandoned if:
 - (1) The applicant or landowner shall fail to commence the use by failing to receive a building permit or occupancy permit within twelve (12) months after receiving limited development plan approval, or a longer period of time if an extension of the final development plan has been granted by the Board of Aldermen; or
 - (2) The applicant or landowner abandons the site or the limited development plan and notifies the City in writing of the abandonment; or
 - (3) The applicant, landowner or subsequent applicant/owner seeks to substantially change the project after limited development plan approval but fails to submit an application for a new application for Limited Development Plan as set forth in Section 400.340(C)(2) within sixty (60) days of the change or attempted change to the project, provided that the Board of Aldermen may extend this deadline up to sixty (60) days for good cause shown.
 - b. Whenever a limited development plan has been abandoned as provided in this Subsection, no change in use shall take place on the property until a new limited development plan has been approved as provided in this Article.

Article VIII
"D" Park District Regulations

Section 400.350 **Use Regulations.**

[R.O. 2016 § 400.330; R.O. 2011 § 400.330; Ord. No. 129 § 19, 10-15-2003]

A. The following are permitted uses within a "D" Park District:

1. Municipally owned or operated parks and playgrounds.
2. Park pavilions.
3. Greenbelt walkways, bike paths, nature trails and pedestrian footbridges.
4. Tennis courts.
5. Fountains, ponds, or public swimming pools.
6. Ornamental or decorative walls and fences.
7. Municipal storage facilities.
8. Temporary buildings for uses incidental to construction, provided that no such building shall be located within a required yard or within twenty-five (25) feet of any lot line and no trees shall be removed for the placement of such temporary building. The temporary building shall be removed upon the earlier occurring of one (1) year from initial placement of the temporary building or upon the completion or abandonment of the work, unless express written permission to continue the location of such temporary building is granted by the Board of Aldermen upon good cause shown.

B. The following are conditional uses within a "D" Park District and may, after public hearing and making required findings, be approved by conditional use permit under provisions of Section **400.430**:

1. Towers and support structures in accordance with requirements of Section **400.440**.
2. Accessory uses to approved towers and support structures.

Section 400.360 **Site Design Requirements.**

A. The following are site design requirements in a "D" Park District:

1. The effect of prevailing winds, seasonal temperatures, daily hours of sunlight, existing vegetation and scenic vistas shall be considered in designing and siting buildings and amenities.
2. Buildings and amenities shall be located to promote pedestrian and visual access to open space.
3. No building or structure shall be located less than fifty (50) feet from an "A" Single-Family Dwelling District nor from a "B" Single-Family Attached Dwelling District.

4. Residential "interior City" light standards shall be provided in accordance with City specifications. All lighting shall be designed and located so that no light is cast directly on adjoining residential lots or premises.
5. Natural features, such as scenic views, woodlands, trees, major vegetation areas, streams, and watercourses, shall be preserved wherever possible. Location of existing trees having a diameter of six (6) inches or more as measured at a height of four (4) feet above original grade shall be a factor in locating buildings, utilities, streets, paved areas and finished grades to provide that such trees are preserved to the maximum extent possible.
6. All development activities shall minimize earthmoving and erosion. Where earthwork is required, erosion prevention and control measures, such as installation of silt catchment basins together with seeding, sodding, and mulching, shall be instituted.
7. All utilities shall be installed underground.

Section 400.370 Application and Approval Procedures.

- A. The owner, lessor, or developer, other than the City of Twin Oaks, of any lot located within and which meets the requirements of a "D" Park District, prior to the erection, conversion, enlargement, reconstruction, or structural alteration of any principal building on or change of principal use of such lot, shall file with the Board of Aldermen an application for site development plan approval. The application shall be submitted on forms provided by the City and shall include a site development plan prepared by a licensed professional architect, engineer or land surveyor together containing support information satisfying the following requirements:
 1. The name of the owner or developer and of the professional architect, engineer, planner, or land surveyor responsible for the preparation of the proposed site development plan.
 2. Existing and proposed site grades identifying all grade changes and areas of cut and fill at a minimum contour interval of two (2) feet or one (1) foot in areas where average slopes are three percent (3%) or less.
 3. Existing landscape and natural features plan identifying specific location of all woodlands, trees, major vegetation areas, streams, watercourses and other natural resources and features and delineating specific provisions to be taken to preserve or to minimize impact on these natural features.
 4. All existing and proposed uses and buildings.
 5. Sidewalks and walkways.
 6. Driveways, existing and proposed curb cuts, vehicle travel lanes and parking areas.
 7. Means for the provision of water, sanitary sewerage and storm drainage facilities, electric and natural gas services, and telephone and telecommunications including cable facilities, if and as applicable.
 8. Existing and proposed easements and dedications.

9. Building plans and elevations depicting exterior materials and treatments; height, bulk, and locational relationships.
 10. Other information which the Planning and Zoning Commission or the Board of Aldermen may designate.
- B. Upon the filing of a complete application for site development plan approval with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study, and report. The Planning and Zoning Commission shall review the application report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval, or modification of the proposed site development plan.
 - C. Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of Aldermen may in writing approve, disapprove, or modify the site development plan. The Board of Aldermen shall promptly transmit a copy of the final action on the proposed site development plan to the applicable Code Enforcement Official(s).
 - D. Proposed construction or change of principal use approved pursuant to this Section shall commence within six (6) months of the date of approval by the Board of Aldermen of the site development plan and application or the site development plan approval shall lapse and be void.
 - E. No building permit to erect, convert, enlarge, reconstruct, or structurally alter any principal building and no approval to change a principal use shall issue until the Board of Aldermen has approved a site development plan in accordance with this Section; provided that nothing in this Section shall be construed to prohibit issuance of a grading permit approved by the Board of Aldermen for such grading and site work as may be required to prepare a lot for improvement or development.

Article IX
"PD" Planned Development District

Section 400.380 **District Regulations.**

A. Intent and Purpose.

1. The purpose of the Planned Development District is to provide a means of achieving greater flexibility in residential and commercial development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development.
2. The Board of Aldermen, upon receiving recommendations of the Planning and Zoning Commission, may by ordinance authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control and density than is afforded under the general regulations of standard zoning districts. These planned development regulations are not intended to allow excessive densities or the development of incompatible land uses, either within the development or as the development relates to the general neighborhood.
3. The City may, upon proper application, approve a planned development for a site of at least two (2) acres to facilitate the use of flexible techniques of land development and site design by providing relief from zoning requirements designed for conventional developments in order to obtain one (1) or more of the following objectives:
 - a. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
 - b. Diversification in the uses permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects.
 - c. Functional and beneficial uses of open space areas.
 - d. Preservation of natural features of a development site.
 - e. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
 - f. Rational and economic development in relation to public services.
 - g. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. Relationship of Planned Development Districts to Zoning Map.

1. A Mapped District. The "PD" designation is intended to be attached to existing use districts as an overlay.

2. Plan Approval Required. Although the "PD" designation may be applied to parcels of land as a mapped zoning district, it is the intent of this Chapter that no development or redevelopment of the property encompassed by the "PD" designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section. Any pre-existing uses within the area encompassed by the "PD" designation shall have the status of non-conforming uses, until such time as they are included in an approved development plan.
3. Overall Development Site Size. In addition to the requirements as outlined above for individual uses within a Planned Development District, the minimum overall site size required for such planned development as a whole shall be two (2) acres.
4. Types of Planned Developments.
 - a. All areas of the City subject to the "PD" designation shall be assigned one (1) of the following subclassifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this Section.
 - (1) Planned Residential Development ("PD-R"): Planned developments involving residential uses only.
 - (2) Planned Commercial Development ("PD-C"): Planned developments involving commercial uses only.
 - (3) Mixed Use Developments ("PD-MxD"): Planned developments involving a mixture of residential and non-residential uses.
 - (4) Planned Development — Light Manufacturing (PD-RxM): Planned developments involving light manufacturing uses related to medical marijuana production, cultivations, testing or transportation. Uses permitted as planned use in a PD-RxM District are medical marijuana cultivation, medical marijuana-infused products manufacturing, medical marijuana testing, or medical marijuana transportation only.
 - b. These subclassifications may be designated by the City at the time of the original zoning of the parcel in question or the City may make the designation at the time of development plan application. In the instance of a request for zoning map amendment, the applicant shall request a specific subclassification; however, it shall be at the discretion of the Board of Aldermen, in light of the recommendations of the Planning and Zoning Commission as well as the surrounding neighborhood, to grant the requested subclassification or require a more restrictive one.
- C. Permitted Uses. The listing of permitted uses within each "PD" subclassification listed in Sections **400.130**, **400.190** and **400.280**, Use Regulations. If not listed, a conditional use application must be submitted to the City.
- D. Procedures for Planned Development Approval.
 1. Pre-Application Procedure. Prior to filing an application for planned development

approval, the prospective applicant shall request a pre-application conference with the City's planning staff. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request, the City planning staff shall promptly schedule a conference.

2. Preliminary Development and Final Development Plan Process. Applications shall be submitted to the City office with a request for a zoning district change to Planned Development District. Thereafter, such applications shall follow the process for development plans under Section **400.340(A)**. The applicant may be required to provide, at applicant's expense, additional clarification and/or further detail of the preliminary plan as deemed necessary by the Planning and Zoning Commission.

E. Area Regulations and Performance Standards. The area regulations and performance standards applicable to the individual uses within each planned development by designated subclassification shall be as follows:

1. Subclassification Requirements.

District	Subclassification Requirement
Planned Residential Development	Same as those in §§ 400.150 and 400.210
Planned Commercial Development	Same as those in § 400.310
Planned Mixed Use Development	Those set out in the above-referenced Sections as applicable to the individual uses contemplated by the plan
Planned Development — RxM	Same as those in Sections 400.295 , 400.310 , 400.340 and 400.385 .

2. Modifications.

a. The approval of the preliminary development plan may provide for such exceptions from the regulations of the underlying zoning district as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this Section and have been specifically requested in the application for a planned development and, further, that no modification of the above-referenced regulations would be allowed when such proposed modification would result in:

- (1) Inadequate or unsafe access to the planned development;
- (2) Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
- (3) An undue burden on public parks, recreation areas, schools, fire and Police protection and other public facilities which serve or are proposed to serve the

planned development;

- (4) A development which will be incompatible with the proposes of this Chapter;
 - (5) Detrimental impact on the surrounding area but not limited to visual pollution.
- b. The burden of proof that the criteria above are not being violated shall rest with the developer and not the staff, Board of Aldermen or the Planning and Zoning Commission.
 - c. When existing regulations as referred to in this Section are deemed inadequate or unresponsive to the needs of the Planned Development District, reference may also be had to the City's Urban Design Guidelines as set forth in Appendix A to this Chapter.

Section 400.385 **PD-RxM District Regulations.**

- A. Intent. Because of the City's relatively small size and lack of appropriate land for the use, the City's Zoning Regulations, Comprehensive Plan and Land Use Map do not identify light manufacturing land uses as permitted. Additionally, while the City has not identified any specific areas in which manufacturing uses are permitted as of right, because the Missouri Constitution was recently amended to state that, "No local government shall prohibit medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome," [Article **XIV**, Section 1.7(11)], the City is creating the PD-RxM District. The PD-RxM District is intended to create a process for high quality light industrial/manufacturing developments that are not of density and intensity that will disturb the quiet enjoyment of the residential neighborhoods and retail commercial establishments, will not contribute to traffic congestion on Big Bend Road or Meramec Station Road, and will be of an intensity, location, and nature so as to be compatible with its surroundings and the City's comprehensive plan.
- B. Planned Uses. Any proposed PD-RxM District must follow the site development plan review procedure set forth in Section **400.340** and all requirements of Section **400.380**, and shall only be permitted for one of the following "non-retail medical marijuana" uses:
 1. Medical marijuana cultivation facilities;
 2. Medical marijuana-infused products manufacturing facilities;
 3. Medical marijuana testing facilities; or
 4. Medical marijuana transportation facilities.
- C. Development Standards. Any use in this District shall meet the following standards:
 1. State License Required. All non-retail medical marijuana facilities must have the appropriate license and any other required authorization to operate the non-retail medical marijuana facility from the Missouri Department of Health and Senior

Services to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final approval shall be given until such State-issued license has been obtained and satisfactory proof of such licensure has been provided to the City. Continued operation in the City shall always require such licensure to remain valid.

2. **Outdoor Operations or Storage.** All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a fence which has been approved through the development plan process in Section **400.340**.
3. **On-Site Usage Prohibited.** No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any non-retail medical marijuana facility except, in a medical marijuana testing facility when being administered for testing purposes authorized by the State of Missouri Department of Health and Senior Services.
4. **Odor Control and Nuisance.** All non-retail medical marijuana facilities shall have and maintain an odor control system at least as stringent as that which is required by State regulations and shall at all times operate in compliance with Chapter **215**, Nuisances, of the City Code.
5. **Hours of Operation.** All non-retail medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the business shall be on the premises at any time without being approved entry, logged in by building security personnel and obtaining and displaying a visitor pass.
6. **Security.** All non-retail medical marijuana facilities shall be secured and closed to the public between the hours listed in this Subsection and no persons not employed by the non-retail medical marijuana facility may be present in such facility at any time closed to the public. All non-retail medical marijuana facilities shall have and maintain security systems, equipment, and procedures at least as stringent as those which are required by State regulations.
7. **Display of Licenses Required.** All medical marijuana uses shall display their license issued by the State of Missouri and any and all licenses issued by the City in a prominent place in plain view near the front entrance of the facility as required by State regulations.
8. **Accreditation, Standards, And Procedures — Testing Facilities.** Every medical marijuana testing facility shall, at all times, maintain in good standing their accreditation as required by State regulations, and utilize standards and procedures for personnel and for testing medical marijuana in all forms which are at least as stringent as those required by State regulations.
9. **Additional Requirements.** All non-retail medical marijuana facilities shall comply with all generally applicable provisions of the Zoning Code of the City of Twin Oaks, all provisions of Article **XIV**, Section 1 of the Missouri Constitution, as well as any and all rules and regulations promulgated by the Department of Health and Senior Services

for the State of Missouri regulating medical marijuana, including but not limited to security requirements, lighting, parking, record maintenance and retention, and patient verification requirements.

10. **Buffer Strip.** A buffer strip of not less than one hundred (100) feet in width shall be provided along any perimeter of a commercial development which adjoins an "A" Single-Family Dwelling District, a "B" Single-Family Attached Dwelling District or a "D" Park District (or equivalent District in an adjoining jurisdiction), except where abutting a public street. No drive, walkway, parking space or vehicular travel way shall occupy any portion of the buffer strip, provided that the Board of Aldermen may require that the buffer strip be supplemented with additional plantings, landscaping and fencing.
11. **Parking and Loading.** Off-street parking and loading standards must meet or exceed St. Louis County's requirements for these uses.
12. **Warehousing.** No building or premises occupied and used for any of the permitted principal uses identified in Section **400.280** of this Chapter shall have more than forty percent (40%) of its floor area devoted to storage or uses incidental to such permitted principal use nor more than five (5) persons employed at any time in such incidental use.
13. **Height Regulations.** A building or structure shall not exceed thirty-five (35) feet in height. Chimneys, rooftop mechanical appurtenances and other purely ornamental or mechanical accessories shall not be considered for purposes of determining height.
14. **Area Regulations.** The minimum area of yards and the minimum lot area shall be as follows:
 - a. **Rear Yard.** No main building or detached garage shall be erected or structurally altered except that it shall be at least fifty (50) feet from the rear of the lot line. An accessory building hereafter erected or structurally altered shall be not less than thirty (30) feet from the rear lot line.
 - b. **Side Yard.** No building or structure shall be erected or altered within thirty (30) feet of the side lot line. Where the side yard is along a street, no building or structure shall be erected or altered within fifty (50) feet of the side lot line.
 - c. **Front Yard.** There shall be a distance of not less than sixty-five (65) feet from the front line of the building to the center line of any highway or other road passing along the "PD-RxM" District.
 - d. **Frontage and Lot Area.** Any lot within the "PD-RxM" District shall have at least three hundred (300) feet frontage on Big Bend or Meramec Station Road, consist of at least one and one-half (1.5) acres, and a minimum lot width of three hundred (300) feet.
 - e. **Maximum Impervious Coverage.** No building footprint shall exceed more than fifty percent (50%) of the lot area nor shall the total of impervious surface for any lot

exceed seventy percent (70%) of the lot area.

15. Minimum Standards. Section **400.330** shall be used for the minimum standards for site design and building construction, reconstruction or use within a PD-RxM area.
16. Screening. Screening of HVAC units, odor control systems, ventilation systems and solid waste (trash) containers, heating, ventilating, air-conditioning and/or odor control units shall be fully screened from public view by an element of the building or by a separate, permanently installed screen or fence, extending a minimum of one (1) foot above the equipment, harmonizing with the building in material color, size and shape. Refuse containers or refuse storage areas shall be hidden from public view, either from within or outside the premises, by means of fences, walls or landscaped planting harmonizing with the building in color, size and shape.

Article X
Off-Street Parking Regulations

Section 400.390 **Residential Parking Requirements.**

A. The requirements for residential parking in the A and B Zoning Districts shall be as follows:

1. *Surface Requirements; Parking only on Paved Surface.* Driveways may be constructed of either hard or porous surfaced materials, provided construction materials comply with building codes and the following:
 - a. Driveways and driveway approaches, including replacement or widening of an existing driveway, will be installed with like material creating a uniform appearance consisting of either hard surface or porous surface or a combination of both.
2. *Curb cuts and Driveway Approaches*
 - a. *Permit Required.* Anyone desiring to hard surface any portion of public right-of-way for a driveway approach shall first apply for a permit for such purpose. No permit shall be granted to hard surface or porous surface any portion of the public right-of-way except for a curb cut for a driveway approach (driveway apron) for such residence.
 - b. *Radius.* Curb cuts shall be designated at a radius to facilitate water and debris flow.
 - c. *Curb Cuts; Circular Drives; Maximum Width.* No lot containing a single-family or multi-family dwelling shall have more than one driveway curb cut (or, driveway approach) and which curbcut shall not exceed twenty-five (25) feet in width; except that such lots may have two (2) curb cuts as part of a circular driveway provided that new curb cuts installed for a circular driveway shall not exceed thirteen (13) feet in width and further provided the two curb cuts are separated by more than 50 feet as measured from the inner edges of the circular drive curb cuts. Lots with circular driveways (i.e., two curb cuts) in place as of November 17, 2010, shall be considered legal non-conforming uses.
 - d. *Corner Lots.* On corner lots, no curb cut shall be located or approved within thirty (30) feet of an intersection, as measured from the point where the extended curb lines of the streets intersect.
 - e. *Sidewalks.* Whenever a driveway approach intersects a public sidewalk, such driveway approach should comply with current ADA requirements.

3. *Additional Parking Requirements in the A & B Districts:*

- a. Unlicensed and/or inoperable vehicles or trailers shall be parked or stored only within an enclosed structure in accordance with Section 217.030 of the Twin Oaks Municipal Code.
- b. The total number of recreational vehicles and off-road vehicles parked on a lot shall not exceed two (2) if not stored under roof, and such vehicles if parked outdoors, must be parked on a driveway behind the front elevation line. See Section **400.390(B)**.
- c. *Prohibited Parking.* The following are prohibited in the A & B Districts:
 - 1) No vehicle may be parked except on a driveway.
 - 2) The following are not permitted to be parked in the A & B Districts:
 - i. Heavy-duty commercial vehicles;
 - ii. Any vehicle, excluding recreational vehicles, with a gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds or more. *Exception:* Any type of commercial vehicle, regardless of GVWR, delivering or picking up merchandise for delivery or employed in performing a repair or construction service may park for the purpose of making such pickup, delivery or repair;
 - iii. Vehicles or trailers with a length in excess of twenty-seven (27) feet.
 - 3) Recreational vehicles, off-road vehicles, trailers, pickup camper bodies, trucks having a GVWR exceeding twelve thousand (12,000) pounds, buses, and boats shall not be parked or stored in any portion of a front yard.
 - 4) No recreational vehicle, trailer, pickup camper body, truck, bus, boat, or other vehicle shall be occupied for living, sleeping, or housekeeping purposes in any zoning district.

B. *Driveway Setback, Lot Line and Construction Requirements; "A" Single Family District.*

1. Setbacks:

- a. No new driveway constructed for a single-family or multi-family dwelling shall be located closer to the lot line than the setbacks set forth in the table below:

Lot Size (square feet) and street frontage of > 50 feet*	Side Yard Setback (feet)
Up to 10,980	1
10,981 to 21,780	3
21,781 to 43,560	6
Greater than 43,560	10

***Street frontage of 50 feet or Less:** Notwithstanding the above and regardless of lot size, where a lot's street frontage is less than fifty feet, the side yard setback shall be a minimum of one (1) foot.

- b. An existing driveway constructed within the setbacks set forth above may be repaired, replaced or expanded so long as the expansion does not create a greater encroachment into the setbacks as currently exists.
 - c. In no case shall any part of a driveway cross the lot line.
 - d. No new driveway shall extend beyond the rear elevation line of the dwelling unless connected to a detached garage.
2. *Driveways; lot coverage:* There shall be only one (1) driveway per lot. Driveways shall not occupy more than thirty-five percent (35%) of any front yard area.
3. *Gravel Driveways.* No new driveway may be constructed of rock or gravel.
- a. Existing gravel driveways and parking areas consisting of gravel, which existed on November 17, 2010, may, upon approved permit, continue to be repaired and maintained until replacement is necessary.
 - b. All driveways and driveway approaches must be replaced with complying paving materials at the time of improvement.

Section 400.400 Non-Residential Parking Requirements.

A. The requirements for non-residential parking shall be as follows:

City of Twin Oaks Parking Table- Commercial Districts	
Use	Minimum Parking Requirements

Medical and dental offices and clinics	One (1) parking space for each two hundred (200) square feet of floor area of a principal building
Places of public assembly including movie theater, auditorium, church, school, club, wedding chapel	One (1) parking space for every five (5) seats provided
Retail, commercial or service buildings (floor area of one thousand (1,000) square feet or more)	One (1) parking space for every two hundred (200) square feet of floor area on the first floor and for every seven hundred fifty (750) square feet of floor area above the first floor; <ul style="list-style-type: none"> • If the basement is used for any purpose other than storage, utilities or maintenance areas, the portion of the basement area so used shall require one (1) parking space for every seven hundred fifty (750) square feet of floor area so used
Restaurants	One (1) parking space for every two hundred (200) square feet of floor area plus the greater of one (1) parking space for each two (2) employees working on the highest employment shift or five (5) parking spaces
All other uses	One (1) parking space for every three hundred (300) square feet of floor area on the first floor of the principal building plus the greater of one (1) parking space for every seven hundred fifty (750) square feet of floor area above the first floor, or one (1) parking space for every two (2) employees working on the highest employment shift
Parking areas required for all non-residential uses shall be located not more than five hundred (500) feet from the principal building served.	

Section 400.410 Permit Required/Enforcement.

- A. Anyone desiring to construct, reconstruct, relocate, modify, re-gravel, refurbish or expand any paved surface covered under this Article shall be required to apply to the City for a permit for such purpose pursuant to Section 515.070 (Article II, Public Utility Excavation Or Other Work Within Public Right-Of-Way Excavations and Public Rights-Of-Way Management), Section 515.170 (Article III, Private Property Site Work), or Section 407.020 (Land Disturbance Code), as applicable.
- B. The Building Commissioner or delegee shall be charged with the responsibility for enforcing this Article, to include the promulgation of regulations necessary to its implementation.

Article XI Conditional Uses

Section 400.420 **Conditional Uses.**

- A. The Board of Aldermen may, after public hearing and making required findings, by conditional use permit authorize the location of any of the following buildings or uses in the zoning districts specified in this Section:
1. Any public building not owned or operated by the City of Twin Oaks located in any zoning district.
 2. Community building or recreation field not owned or operated by the City of Twin Oaks located in any zoning district.
 3. Nurseries and greenhouses in any zoning district, provided that all principal buildings and accessory buildings shall not be located less than one hundred (100) feet from a lot line.
 4. Medical marijuana dispensary in the "C" District where the operation meets the spacing requirements of Section **400.295** and meets the standards contained in Section **400.420(B)**.
 5. Outdoor seating at a restaurant or outdoor storage of products or merchandise at any business in the "C" District.
- B. Specific Conditions for Medical Marijuana Dispensaries. Any grant of a conditional use permit under this Section for a medical marijuana dispensary shall include the following conditions for approval:
1. State License Required. All medical marijuana dispensaries must have the appropriate license and any other required authorization to operate the medical marijuana dispensary from the Missouri Department of Health and Senior Services to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final approval shall be given until such State-issued license has been obtained and satisfactory proof of such licensure has been provided to the City. Continued operation in the City shall always require such licensure to remain valid.
 2. Outdoor Operations or Storage. No outdoor operations or storage shall be allowed.
 3. Odor Control and Nuisance. Every medical marijuana dispensary shall have and maintain an odor control system at least as stringent as that which is required by State regulations and shall at all times operate in compliance with Chapter **215**, Nuisances, of the City Code.
 4. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any medical marijuana dispensary facility.
 5. Hours of Operation. All sales or distribution of medical marijuana and any other products sold to the public through a medical marijuana dispensary shall take place between the hours of 9:00 A.M. and 9:00 P.M. Monday-Friday, from 9:00 A.M. and 6:00 P.M. Saturday, and

from 10:00 A.M. and 6:00 P.M. Sunday.

6. Security. Medical marijuana dispensaries shall be secured and closed to the public after the hours listed in this Subsection **(B)** and no persons not employed by the medical marijuana dispensary may be present in such facility at any time closed to the public. Medical marijuana dispensaries shall have and maintain security systems, equipment, and procedures at least as stringent as those which are required by State regulations.
7. Display of Licenses Required. The medical marijuana dispensary facility license issued by the State of Missouri and any and all licenses issued by the City of Twin Oaks shall be displayed in a prominent place in plain view near the front entrance of the facility as required by State regulations.
8. Development Plan or Limited Development Plan Required. No medical marijuana dispensary shall be allowed unless the applicant submits and has approved a development plan or limited development plan pursuant to Section **400.340** as determined by the nature of the application and the terms of Section **400.340**.
9. Additional Requirements. All medical marijuana dispensary facilities shall comply with all generally applicable provisions of the Zoning Code of the City of Twin Oaks, all provisions of Article **XIV**, Section 1 of the Missouri Constitution, as well as any and all rules and regulations promulgated by the Department of Health and Senior Services for the State of Missouri regulating medical marijuana, including but not limited to security requirements, lighting, parking, record maintenance and retention and patient verification requirements.

Section 400.430 Application and Approval Procedures.

- A. Applications for a conditional use permit shall be made to the Board of Aldermen on forms provided by the City together with a site development plan and descriptive material sufficient to describe the intensity and extent of the proposed conditional use. Within thirty (30) days of receipt of an application for conditional use permit, the Code Enforcement Official shall determine the sufficiency of the site development plan and descriptive material and, if determined to be insufficient, the Code Enforcement Official shall provide written guidance to the applicant identifying materials and information necessary to render the application sufficient for review.
- B. Upon the filing of a complete application for conditional use permit with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study and report with specific reference to resulting traffic hazards or congestion, fire hazards, effect on the character of the neighborhood, effect on the general welfare of the community and impact on public utility facilities. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval or modification of the proposed conditional use and site development plan.

- C. Upon receipt of the recommendation of the Planning and Zoning Commission, or if no recommendation is received, upon the expiration of the sixty-day review period, the Board of Aldermen shall schedule and conduct a public hearing on the proposed conditional use and site development plan after having given notice of time, place and purpose of the hearing by publication at least once in a newspaper of general circulation within the City which publication shall appear at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen.
- D. Upon conclusion of the hearing, the Board of Aldermen shall determine whether the proposed conditional use and site development plan will: substantially increase traffic hazards or congestion; substantially increase fire hazard; adversely affect the character of the neighborhood; adversely affect the general welfare of the community; overtax or adversely impact public utilities. If the findings of the Board of Aldermen are negative as to all of the above subjects, the Board of Aldermen shall approve by ordinance the conditional use permit together with such site, use and operational conditions as may be imposed and specified. If the findings of the Board of Aldermen are affirmative as to any of the above subjects, the Board of Aldermen shall disapprove the conditional use.
- E. Proposed construction or development of a conditional use approved pursuant to this Section shall commence within one (1) year of the date of approval by the Board of Aldermen of the conditional use and site development plan or the approval shall lapse and be void.
- F. Any approved conditional use shall continue to be used and operated in accordance with any conditions imposed at the time of approval, provided that the holder of a conditional use permit may apply for modifications of the conditions in accordance with the procedures provided for an original conditional use permit application.

Article XII
Telecommunications Towers

Section 400.440 Telecommunication Towers.

[R.O. 2016 § 400.400; R.O. 2011 § 400.400; Ord. No. 129 § 20, 10-15-2003; Ord. No. 161 § 1, 10-20-2004; Ord. No. 374 § 5, 10-3-2012; Ord. No. 19-05, 3-20-2019]

- A. Purpose. The purpose of this Section is to regulate the placement, construction, and modification of wireless communications facilities to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, this Section is intended to:
1. Provide for the appropriate location and development of wireless communications facilities and systems to serve the citizens and businesses of the City;
 2. Minimize adverse visual impacts of wireless communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques that provide predictability for nearby property owners and others that future uses will not materially alter such approved aesthetic protections without zoning hearing procedures and input from interested parties to the extent possible;
 3. Ensure that any new wireless communications facilities are located in an area compatible with the neighborhood or surrounding community to the extent possible; and
 4. Ensure that regulation of wireless communications facilities do not have the effect of prohibiting the provision of personal wireless services, do not unreasonably discriminate among functionally equivalent providers of such service, and promotes the provision and availability of communication services within the City.
- B. Legislative Findings And Applicability.
1. The Telecommunications Act of 1996, as amended, and the Uniform Small Wireless Facility Deployment Act, Section 67.5110 et seq., RSMo., preserve the authority of the City to regulate the placement, construction, and modification of certain wireless communications facilities and to protect the health, safety, and welfare of the public.
 2. The City has been granted the authority to enact legislation to regulate the construction, placement, and operation of wireless communications facilities pursuant to zoning powers established in Chapter 89, RSMo., as amended, and additionally pursuant to the general and specific police powers established by Statute authorizing the regulations herein to protect the public health, safety, and welfare.

3. The FCC has exclusive jurisdiction over:
 - a. The regulation of the environmental effects of radio frequency emissions from telecommunication facilities; and
 - b. The regulation of radio signal interference among users of the radio frequency spectrum.
 4. Consistent with the Telecommunications Act of 1996, the regulations of this Section will not have the effect of prohibiting the provision of personal wireless services and do not unreasonably discriminate among functionally equivalent providers of such service. The regulations also impose reasonable restrictions to protect the public safety and welfare and ensure opportunities for placement of antenna with prompt approval by the City. This Section does not attempt to regulate in areas within the exclusive jurisdiction of the FCC.
 5. Notwithstanding any ordinance to the contrary, the procedures set forth in this Section shall be applicable to all wireless communications facilities existing or installed, built or modified after the effective date of this Section to the fullest extent permitted by law. No provision of this Section shall apply to any circumstance in which such application shall be unlawful under superseding Federal or State law, and furthermore, if any Section, Subsection, sentence, clause, phrase, or portion of this Section is now or in the future superseded or preempted by State or Federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.
- C. Definitions. As used in this Section, the following terms shall have the meanings and usages indicated:

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 and/or receives radio waves for voice, data or video communications purposes, including, but not limited to, television, AM/FM radio, texts, microwave, cellular telephone, and similar forms of communications. The term shall exclude satellite earth station antenna less than two (2) meters in diameter [mounted within twelve (12) feet of the ground or building mounted] and any receive-only home television antenna.

CABINET

A structure for the protection and security of communications equipment associated with

one (1) or more antenna where direct access to equipment is provided from the exterior, and that has horizontal dimensions that do not exceed four (4) feet by six (6) feet and height that does not exceed six (6) feet.

DIRECTOR

The Code Enforcement Official or his/her designee or official acting in such capacity.

DISGUISED SUPPORT STRUCTURE

Any freestanding, manmade structure designed for the support of antenna, 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 disguised support structure. Such disguised support structures may include, but are not limited to, clock towers, campaniles, observation towers, light standards, flagpoles, and artificial trees. For purposes of this definition, a structure "camouflaged or concealed as an appropriately-placed and designed architectural or natural feature" shall mean:

- a. It is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located;
- b. It does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate;
- c. It cannot be identified as a support structure by persons with reasonable sensibilities and knowledge;
- d. Its equipment, accessory buildings, or other aspects or attachments relating to the disguised support structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated; and
- e. It is of a height, design, and type that would ordinarily occur at the location and neighborhood selected.

EXISTING STRUCTURE

Any structure capable of supporting wireless communications facilities (other than a support structure) in full conformance with the design and other requirements of this Section and exists prior to the date of all applicable permit applications seeking City authorization for installation of such facilities thereon, and is not built or installed in anticipation of such specific installation or erected as a means to evade approvals applicable to a non-existing structure.

FAA

The Federal Aviation Administration.

FAST-TRACK SMALL WIRELESS FACILITY or FAST-TRACK

A small wireless facility that meets the following requirements for an antenna and associated equipment:

- a. No more than seven (7) cubic feet in volume [comprised of no more than twenty-seven (27) square feet of exterior surface area, excluding the surface width equal to the width of the existing structure or utility pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or cable conduit of four (4) inches or less]. Volume shall be the measure of the exterior displacement of the antenna and associated equipment;
- b. Located with the consent of the owner on an existing structure or utility pole, or concealed within or on a replacement utility pole if the appearance is not materially altered and the replacement existing structure or utility pole is no more than five (5) feet taller;
- c. Not exceeding six (6) feet above the top of an existing structure or utility pole for a total height not exceeding forty-five (45) feet [nor taller than more than six (6) feet above the average of similar poles within three hundred (300) feet].

FCC

The Federal Communications Commission.

INCIDENTAL USE

Any use authorized herein that exists in addition to the principal use of the property.

MODIFICATION

Any addition, deletion, or change, including the addition or replacement of antenna, or any change to a support structure requiring a building permit or other governmental approval.

SHELTER

A building for the protection and security of communications equipment associated with one (1) or more antenna 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 antenna is prohibited.

SMALL WIRELESS FACILITY

An antenna and associated equipment that meets the following:

- a. An antenna of no more than six (6) cubic feet in volume; and

- b. All other associated equipment, to the extent permitted by applicable law to be calculated, of cumulatively no more than twenty-eight (28) cubic feet in volume, provided that no single piece of equipment on the utility pole shall exceed nine (9) cubic feet in volume, and no single piece of ground mounted equipment shall exceed fifteen (15) cubic feet in volume.

SUPPORT STRUCTURE

A tower or disguised support structure.

TOWER

A structure designed for the support of one (1) or more antenna and including guyed towers, self-supporting (lattice) towers or monopoles, but not disguised support structures, utility poles, or buildings. The term shall also not include any support structure including attachments of sixty-five (65) feet or less in height owned and operated solely for use by an amateur radio operator licensed by the FCC.

UTILITY POLE

A pole that is or may be used for wireline communications, lighting, traffic control, signage, or a similar function, which may also support a small wireless facility or fast-track.

WIRELESS COMMUNICATIONS FACILITY

Any antenna, small wireless facility, fast-track, cabinet, shelter, and support structure, and associated equipment.

D. Application Procedures; Timing.

1. **Applications.** Applications for permitted, administrative, or conditional uses pursuant to this Section shall be subject to the supplementary procedures in this Section. Applications shall be submitted to the City as a complete application on forms provided by the City. A "complete application" shall be an application submitted on the forms provided by the City, fully executed by the applicant, identifying the specific approval sought, and containing all attachments, fees as may be established to reimburse the City for its inspection and review costs, and information as required thereon or by the City, consistent with this Section. Applications shall be accompanied by a building permit application and other applicable forms.
2. **Proof Of Owner Consent.** Applications for permitted, administrative, or conditional uses pursuant to this Section shall be required to provide proof of owner consent, which shall minimally include:
 - a. Written consent to pursue the application by all fee simple owners of the underlying real

estate (or where located in street right-of-way, the right-of-way owner thereof), including when the proposed location is also in a utility easement; and

- b. Written consent to pursue the application of the owner of the structure on which such facility is to be placed, if different than applicant.
3. Timing. Applications shall be decided upon within a reasonable time, subject further to State or Federal specific additional time requirements as may apply to the particular application.
- E. General Requirements. The requirements set forth in this Section shall be applicable to all wireless communications facilities installed, built, or modified after the effective date of this Section to the full extent permitted by law. Such zoning review and approvals required in this Section shall be in addition to any other generally applicable permitting requirement, including applicable building, excavation, or other right-of-way permits.
1. Permitted Or Incidental Use. Towers may be either a principal or incidental use in all non-residential zoning districts, subject to any applicable requirement herein and relating to yard or setback. An incidental use subject to a leasehold interest of a person other than the lot owner may be approved for a tower only if the leasehold area separately meets all requirements for a separate subdivided lot, including dedicated access, parking, setbacks, and lot size, applicable to a primary use in the district in which the use is proposed as if it was a separate subdivided lot. No other district shall allow towers unless required by law. All other wireless facilities other than towers, may be a principal or incidental use in all districts subject to the requirements herein.
2. Building Codes, Safety Standards, And Zoning Compliance. Wireless communications facilities shall be constructed and maintained in compliance with all standards contained in applicable State and local building codes. A certified engineer's structural report shall be required for all applications to construct a new or modify, or any way alter, a support structure, a utility pole, or antenna, including small wireless facility and fast-track, unless waived upon application to the Director stating why such report is unnecessary to the specific application and a determination in the discretion of the Director approving such statement. In addition to any other approvals required by this Section, no wireless communications facility or portion thereof shall be erected, replaced, or expanded prior to receipt of a certificate of zoning compliance, unless otherwise required by law, and the issuance of a building permit. For sites within the right-of-way:
 - a. The most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the Official Zoning Map;

- b. Wireless communications facilities shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on the right-of-way or obstruct the legal use of such right-of-way by authorities or authorized right-of-way users; and
 - c. Such use shall be required to obtain applicable permits and comply with the City's ROW management rules and regulations set forth in Chapter **515**.
3. **Regulatory Compliance.** All wireless communications facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any other local, State, or Federal agency with the authority to regulate such wireless communications facilities. Should such standards or regulations be amended, then the owner shall bring such devices and 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 communications facilities permitted by this Section shall be granted for any applicant having an uncured violation of this Section, any zoning regulation regarding the lot on which the structure is proposed, or any other governmental regulatory requirement related to such antenna or support structures within the City unless preempted by applicable law.
4. **Security.** All wireless communications facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, or modify a wireless communications facilities. Additional measures may be required as a condition of the issuance of a building permit or as deemed necessary by the Board of Aldermen in the case of conditional use permit or development plan process approvals.
5. **Lighting.** Antenna, small wireless facilities, fast-track, and 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 a part of the application to install, build, or modify the antenna, small wireless facilities, fast-track, or support structure. Equipment cabinets and shelters may have lighting only as approved by the Board of Aldermen as part of conditional use permit approval or development plan process approval as applicable.
6. **Advertising.** Except for a disguised support structure in the form of an otherwise lawfully permitted sign, the placement of signage and advertising on structures regulated by this Section is prohibited other than required safety signage.
7. **Design.**
 - a. **Color.** Subject to the requirements of the FAA or any applicable State or Federal agency,

wireless communications facilities and attachments shall be painted a neutral color consistent with the natural or built environment of the site or an alternative painting scheme approved by the Director, or the Board of Aldermen in the case of conditional use permits, consistent with the requirements of this Section. Unpainted galvanized steel support structures are not permitted.

- b. **Ground Equipment.** When authorized, equipment shelters or cabinets 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. All equipment shall be either placed underground, contained in a single shelter or cabinet, or wholly concealed within a building or approved walled compound.
- c. **Antenna Design.** Antenna attached to a disguised support structure or tower shall be contained within the disguised support structure or within or mounted flush on the surface of the tower to which they are mounted. Antenna attached to an existing building, utility pole, or structure shall be of a color identical to or closely compatible with the surface to which they are mounted. Antenna on the rooftop or attached to a building shall be screened or constructed and/or colored to match the structure to which they are attached. All antenna shall be designed disguised or, if otherwise permitted, maximally concealed on or within the support structure. Unless demonstrated to be technologically unfeasible, exposed or separated antenna on "crows' nest" platforms are prohibited.
- d. **Height.** Support structures and antenna shall be no taller than necessary and shall not exceed the height limitation of any airport overlay zone as may be adopted by the City or other regulatory agency. Support structures and antenna may exceed underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable alternative exists. To the extent permitted by applicable law, district height restrictions shall be considered by the City in determining the appropriateness of the design and location of the application under the applicable standards for approval. No support structure or antenna shall be approved at a height exceeding one hundred twenty (120) feet AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system.
- e. **Monopole Design.** All towers shall be of a monopole design. Lattice, guyed towers, or other non-monopole tower designs shall not be permitted.
- f. **Compound Walls/Landscaping.** All towers shall be surrounded by a minimum six-foot-high decorative wall constructed of brick, stone, or comparable masonry materials and a landscaped buffer strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. The buffer strip shall

be exterior to any security wall. In lieu of the required wall and buffer strip, an alternative means of screening may be approved by the Board of Aldermen as part of conditional use permit approval or development plan process approval, but only upon demonstration by the applicant that an equivalent degree of visual screening will be achieved. Landscaping or other improvements may be required for disguised support structures if needed to implement an approved disguise.

- g. **Setbacks.** All support structures, including any portions of any wireless communications facilities thereon and associated structures, fences, and walls (except for parking associated with the wireless communications facility) shall be separated from any right-of-way, sidewalk or street, alley, parking area, playground, or other building, and from the property line of any adjacent property at least a horizontal distance equal to the height of the support structure, including any portions of any wireless communications facilities thereon.
 - h. **Storage.** Vehicle or outdoor storage on any wireless communications facilities site is prohibited, unless otherwise permitted by the zoning district.
 - i. **Parking.** On-site parking for periodic maintenance and service shall be provided at all support structure locations consistent with the requirements of Section **400.400**.
 - j. **Decorative Poles.** In districts where there are utility poles which were specifically designed for their aesthetic nature and compatibility with the built environment of that district, as determined by the City, such utility poles shall be deemed to be decorative utility poles. Such decorative utility poles, when authorized to be replaced by an applicant for wireless communications facilities pursuant to applicable law and in compliance with this Section and Code, shall only be replaced with a substantially similar decorative utility pole which matches the aesthetics and decorative elements of the original decorative utility pole being replaced. Such replacement expenses shall be borne wholly by the applicant seeking to place wireless communications facilities on such decorative utility pole.
- 8. **Public Property.** Wireless communications facilities located on property owned, leased, or otherwise controlled by the City shall be subject to the requirements of this Section. A license or lease with the City authorizing the location of such wireless communications facilities shall be required for each site.
 - 9. **As-Built Plans.** Within sixty (60) days of completion of the initial construction and any additional construction, two (2) complete sets of plans drawn to scale and certified as accurately depicting the location of all wireless communications facilities constructed shall be furnished to the City.
 - 10. **Historic Preservation; Thirty-Day Hearing Period.** To the extent permitted by law, approval

shall not be issued for any wireless communications facility that the Director or Board of Aldermen determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within an Historic Preservation District or such district as a whole. For co-location of any certified historic structure as defined in Section 253.545, RSMo., in addition to all other applicable time requirements, there shall be a thirty-day time period before approval of an application during which one (1) or more public hearings on co-location to a certified historic structure are held. The City may require reasonable, technically feasible and technological neutral design and concealment measures as a condition of approval of a wireless communications facility within an historic district.

- F. Administration. The Director shall have the authority to establish forms and procedures consistent with this Section and applicable Federal, State, and local law to ensure compliance and to facilitate prompt review and administration of applications.
- G. Permitted Use.
 - 1. Uses. The placement of wireless communications facilities fully conforming with the general requirements in this Section are permitted in all zoning districts only as follows:
 - a. Co-Locations On Existing Support Structures. The attachment of additional or replacement complying antenna or shelters to any tower existing on the effective date of this Section or subsequently approved in accordance with this Section, or as otherwise authorized by State or Federal law where local zoning is preempted, provided that building permit requirements, national safety codes, and other applicable codes including recognized accepted industry standards for structural, safety, capacity, reliability, and engineering are satisfied, including specifically the requirement to submit a certified structural engineering report as provided in Subsection (E).
 - b. Antenna On Existing Buildings/Structures. In all districts, except not on single-family residential or two-family dwellings, the mounting of antenna on any existing building or structure (other than a support structure or utility pole), provided that the presence of the antenna and equipment is concealed by architectural elements or fully camouflaged by painting a color identical to the surface to which the antenna are attached, and further provided that all requirements of this Section and the underlying zoning ordinance are met.
 - c. Antenna On High-Voltage Towers. The mounting of antenna on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than ten (10) feet, provided that all requirements of this Section and the underlying zoning ordinance are met.

- d. New, Replacement, And Modified Utility Poles.
 - (1) New, replacement, or modified utility poles, at heights below the height limitations outlined in this Subsection, and co-location of small wireless facilities on the same shall be a permitted use in all districts except single-family residential and historic districts, provided the proposed installation does not:
 - (a) Materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment;
 - (b) Materially interfere with compliance with the Americans with Disabilities Act, or similar Federal or State standards regarding pedestrian access or movement;
 - (c) Materially obstruct or hinder the usual travel or public safety on the rights-of-way;
 - (d) Materially obstruct the legal use of the rights-of-way by the City, utility, or other third party;
 - (e) Fail to comply with the spacing requirements within Section **515.090**;
 - (f) Fail to comply with applicable national safety codes, including recognized engineering standards for utility poles or support structures;
 - (g) Fail to comply with the decorative pole replacement requirements herein;
 - (h) Fail to comply with undergrounding requirements within Section **515.090**; or
 - (i) Interfere or impair the operation of existing utility facilities, or City or third-party attachments.
 - (2) New, replacement, or modification of utility poles under the following circumstances shall not be considered a permitted use under this Section:
 - (a) Proposals to construct or modify a utility pole which exceeds the greater of:
 - (i) Fifty (50) feet AGL; or
 - (ii) More than ten (10) feet above the tallest existing utility pole as of January 1, 2019, within five hundred (500) feet of the proposed utility pole in the City; and
 - (b) Proposals to co-locate on an existing utility pole in place on August 28, 2018, which exceeds the height of the existing utility pole by more than ten (10) feet.

2. Application. Application for a permitted use under this Section shall require submission of an application with proof of owner consent as required by Subsection (D)(2) and an application fee of five hundred dollars (\$500.00) as required to partly cover the City's actual costs, but not to exceed such amounts as may be limited by law. If the applicant is not a wireless services provider, then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a wireless services provider within one (1) year of the permit's issuance date. For any application for a small wireless facility, the applicant shall provide an attestation that the proposed small wireless facility complies with the volumetric limitations as required to meet the definition of a small wireless facility in accordance with this Section and pursuant to applicable law. Applicant shall also submit a certified structural analysis as required in the general requirements of this Section. Applications requesting any information that is prohibited by Federal or State law under the applicable circumstance shall be deemed inapplicable to the subject application. The Director shall issue a decision on the application for a permitted use within the time frame permitted by applicable law. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

H. Administrative Approval.

1. Uses. The placement of wireless communications facilities fully conforming with the general requirements in this Section are permitted in all zoning districts by administrative permit approved by the Director only as follows:
 - a. Disguised Support Structures. The construction of a disguised support structure, provided that all related equipment shall be placed underground or concealed within the structure. Equipment may be placed in an appropriately concealed cabinet if the disguised support structure is incidental to an industrial, commercial, or other non-residential use and fits with the natural built environment or the disguised support structure. Any disguised support structure shall have as a condition of approval, unless expressly exempted in the approval, an obligation and corresponding covenant recorded on the property that runs with the land to the benefit of the City on behalf of the public, prohibiting modifications to the disguised support structure that eliminate or are materially detrimental to the disguise, unless such proposed modification is approved by a duly authorized zoning or conditional use approval. If the applicant does not wish to have such a covenant, the application shall not qualify for administrative permit approval, unless another mechanism is proposed and approved to ensure that the disguise is not subsequently eliminated or materially detrimentally altered.
 - b. "Fast-Track" Small Wireless Facilities. An application for a fast-track may be approved administratively by the Director, subject to meeting the following requirements:

- (1) General Requirements. The following requirements shall generally apply to all fast-track located within the City:
 - (a) The fast-track shall substantially match any current aesthetic or ornamental elements of the existing structure or utility pole, or otherwise be designed to maximally blend in to the built environment, with attention to the current uses within the district at the proposed site;
 - (b) Any portion above the existing structure or utility pole shall be concealed and of the same dimensions and appearance so as to appear to be a natural extension of the existing structure or utility pole in lieu of an enclosure or concealment;
 - (c) The fast-track equipment shall not emit noise audible from the building line of any residentially zoned or used property; and
 - (d) Location, placement, and orientation of the fast-track shall, to the extent feasible, minimize the obstruction to, or visibility from, the closest adjacent properties unless otherwise required by the City for safety reasons.
- (2) Additional Requirements When Sited Near Pedestrian And Vehicle Ways. When a fast-track is proposed to be located on an existing structure or utility pole on or adjacent to public or private streets, sidewalks, or other pedestrian or vehicle ways:
 - (a) Only one fast-track shall be permitted per structure or utility pole in the rights-of-way;
 - (b) The height of all portions of the fast-track shall be located at least eight (8) feet above ground level;
 - (c) No ground equipment shall be permitted; and
 - (d) No portions of the fast-track shall extend horizontally from the surface of the utility pole or existing structure more than sixteen (16) inches.
- (3) Waiver For Good Cause Shown.
 - (a) Additionally, the Director may for good cause shown increase any one (1) or more of the maximum volumetric specifications from the definition of a fast-track by up to fifty percent (50%) if the applicant demonstrates that it:
 - (i) Does not in any location nationally use equipment capable of meeting the specifications and the purpose of the equipment; and
 - (ii) Cannot feasibly meet the requirements as defined and described.

- (b) The Board of Aldermen may further waive one (1) or more of the requirements found in the definition of fast-track, or from Subsection **(H)(1)(b)(1)**, General Requirements, or Subsection **(H)(1)(b)(2)**, Additional Requirements When Sited Near Pedestrian And Vehicle Ways, upon good cause shown by the applicant, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this Section. The burden of proof for any waiver shall be wholly on the applicant.
2. Application Procedures. Applications for administrative permits shall be made on the appropriate forms to the Director consistent with the requirements of this Section. Applications requesting any information that is prohibited by Federal or State law under the applicable circumstance shall be deemed inapplicable to the subject application.
- a. General Application Requirements. Applicant shall submit along with its completed application form:
- (1) An application fee of five hundred dollars (\$500.00) as required to partly cover the City's actual costs, but not to exceed such amounts as may be limited by law; any amount not used by the City shall be refunded to the applicant upon written request after a final decision;
 - (2) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating the exact location of the facility, all dimensions and orientations of the facility and associated equipment, in addition to all existing and proposed improvements including buildings, drives, walkway, parking areas, and other structures, right-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 utility pole or existing structure, if applicable;
 - (3) Specifications, dimensions, photos, or drawings of the completed installation;
 - (4) Proof of owner consent as required by Subsection **(D)(2)**.
 - (5) Certified structural analysis as required in the general requirements of this Section;
 - (6) If the applicant is not a wireless services provider, as defined by Section 67.5111, RSMo., then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by such wireless services provider within one (1) year of the permit's issuance date; and
 - (7) All other information necessary to show compliance with the applicable requirements of this Section.

- b. **Fast-Track-Specific Application Requirements.** In addition to the above general application requirements, applications for a fast-track shall include the following:
 - (1) An attestation that the proposed fast-track meets the volumetric and other requirements to meet the definition of fast-track provided in this Section; and
 - (2) Information demonstrating that the applicant's proposed plans are in compliance with Section 67.5113.3(9), RSMo., to the satisfaction of the City.
- c. **Review.** The application shall be reviewed by the Director to determine compliance with the above standards, including specifically design, location, safety, and appearance requirements, and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
- d. **Additional Information May Be Required.** In reviewing an application, the Director may require the applicant to provide additional information, including technical studies, to the extent permitted by applicable law. An application shall not be deemed complete until satisfaction of all application requirements and submission of all requested information as provided herein.
- e. **Decisions; Denials Required In Writing.** The Director shall issue a decision on the permit within the time frame permitted by applicable law. The Director may deny the application or approve the application as submitted or with such modifications or conditions as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens and property values consistent with and to affect the purposes of this Section. The Director may consider the purposes of this Section and the factors established herein for granting a conditional use permit as well as any other considerations consistent with this Section. A decision to deny an application shall be made in writing and state the specific reasons for the denial.
- I. **Conditional Use Permit Required.** All applications to install, build, erect, or modify wireless communications facilities not permitted in Subsection (G) or (H) of this Section shall be permitted only upon the approval of a conditional use permit authorized consistent with Article XI of this Chapter following a duly advertised public hearing, subject to the following additional requirements, procedures, and limitations:
 - 1. **Applications.** Applications for conditional use permits shall be filed on such forms required by the Director and processed subject to the requirements of and in the manner established by applicable law, herein, and for conditional use permits in this Chapter and, in addition to such other requirements, shall be accompanied by a deposit of one thousand five hundred dollars (\$1,500.00), to the extent permitted by applicable law to the specific wireless

communications facility. Any amount not used by the City shall be refunded to the applicant upon written request after a final decision. Except as otherwise provided by law, no application for a conditional use permit under this Section shall be deemed complete until the applicant has paid all fees and deposits required under this Section, submitted certified engineering plans, and provided proof of owner consent as required by Subsection (D)(2). Applications requesting any information that is prohibited by Federal or State law under the applicable circumstance shall be deemed inapplicable to the subject application.

2. Decision And Findings Required. A decision shall be contemporaneously accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others.
3. Additional Minimum Requirements. No conditional use permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of wireless communications facilities pursuant to Subsection (G) or (H) of this Section is not technologically or economically feasible. The City may consider current or emerging industry standards and practices, among other information, in determining feasibility.
4. Findings Required. In addition to the determinations or limitations specified herein and by the applicable provisions of Article XI of this Chapter for the consideration of conditional use permits, no conditional use permit shall be approved by the Board of Aldermen unless findings in the affirmative are made that the following conditions exist:
 - a. That the design of the wireless communications facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Section;
 - b. That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;
 - c. That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located; and
 - d. That the proposal fully complies with applicable law, including the general requirements herein, provided that an exception to the general requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

- J. **Obsolete, Non-Complying Tower Structures.** Any upper portion of a tower which is not occupied by active antenna for a period of twelve (12) months, and any entire tower 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 tower manufactured as a single 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.

- K. **Commercial Operation Of Unlawful Tower Or Antenna.** Notwithstanding any right that may exist for a governmental entity to operate or construct a support structure, it shall be unlawful for any person to erect or operate for any private commercial purpose of any wireless communications facility in violation of any provision of this Section, regardless of whether such facility is located on land owned by a governmental entity.

- L. **Penalty.** In addition to any penalties imposed by this Chapter, any person violating any portion of this Section shall be subject to a penalty of not more than five hundred dollars (\$500.00) fine or ninety (90) days in jail, or both. Each day the violation continues shall constitute a separate offense.

Article XIII Nonconforming Uses

Section 400.450 **Continuance of Use.**

The lawful use of a building or land existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this Chapter; provided that in the event of any change, extension or alteration of the non-conforming use, the right to continue the non-conforming use shall lapse and thereafter the use of the building or land shall conform in all respects to the requirements of this Chapter.

Section 400.460 **Discontinuance.**

- A. In the event that any non-conforming use or use of a non-conforming building is discontinued for a period of one hundred eighty (180) days, the same shall be deemed to be abandoned and thereafter the use or building shall conform to the requirements of this Chapter for the zoning district in which the use or building is located. Such discontinuance may be evidenced by either:
1. Vacancy of the premises; or
 2. Curtailment of operations constituting the non-conforming use for the requisite period.

Section 400.470 **Damage and Restoration.**

When a building, the use of which does not conform to the requirements of this Chapter, is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of the original structure or fifty percent (50%) of the value of the building as determined by the Code Enforcement Official, the building and use shall not be restored except in conformity with the requirements of this Chapter for the zoning district in which the building and use is situated.

ARTICLE XIV
Administration and Enforcement

Section 400.480. Code Enforcement Official.

The City Clerk of the City or one (1) or more other appointees, agencies or entities as may be designated by the Board of Aldermen is hereby designated as the Code Enforcement Official who shall have the duties of enforcing this Chapter and is hereby specifically empowered and directed:

1. To make inspections of buildings and lots as necessary to ascertain compliance with and to enforce provisions of this Chapter;
2. To issue certificates of occupancy upon compliance of lands, buildings, and open spaces with the requirements of Section 400.490 and this Chapter;
3. To notify in writing, if any violations of the provisions of this Chapter are found, persons responsible for such violation. In giving notification, the Code Enforcement Official shall indicate the nature of the violation and order the action necessary to correct the violation. The Code Enforcement Official shall order discontinuation of any illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions or alterations, discontinuance of any illegal work being done, or take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions;
4. To cooperate with the City Attorney in the instituting of appropriate actions or proceedings to prevent unlawful erection, conversion, enlargement, reconstruction or structural alteration of any building or unlawful occupancy or use; to restrain, correct or bate such unlawful action;
5. To cooperate with other officials to the extent such officials have responsibility for administration and enforcement of the Building Code or other similar codes and ordinances to the end that provisions of this Chapter are complied with and efficiently and professionally administered; and
6. To assist the Board of Aldermen and perform such other duties as the Board of Aldermen may determine.

Section 400.490. Certificates of Occupancy.

- A. No land shall be used and no building erected, converted, enlarged, reconstructed, or structurally altered after the effective date of this Chapter shall be occupied in whole or in part until a certificate of occupancy is issued by the Code Enforcement Official stating that the use or building complies with the requirements of this Chapter and of the ordinances of the City. Issuance of the certificate of occupancy may include prior review by the officials designated by the City Clerk to administer the City Building Code and by officials of the applicable fire district.
- B. Certificates of occupancy for newly built or altered premises shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection, reconstruction or alteration is completed. A record of all building permits and certificates of occupancy shall be kept on file in the City office and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land, building or premises affected.
- C. Whenever the sale of a building results in a change in the ownership or occupancy, or whenever the premises are rented to any first or successor lessee, or whenever there is a change in use of the premises and more than one hundred eighty (180) days has elapsed since the date of the last occupancy inspection of the premises, the buyer or lessee shall be required to possess an occupancy permit in accordance with the provisions of this Section.
- D. The occupancy permit shall not be issued by the Code Enforcement Official until the building or premises has been inspected and the inspector has affixed to the application for such permit an approval that the proposed use and any buildings or structures involved comply in all respects with the provisions of the approved building permit or City Building Code. If the Code Enforcement Official finds that the use is in compliance with all applicable provisions of this Section and all other applicable City ordinances, he or she may issue said occupancy permit.
- E. The Code Enforcement Official may issue a temporary, thirty-day occupancy permit for a part of a commercial building or for temporary occupancy of a residential premises pending completion of construction or repairs provided the proposed use complies with all applicable requirements of the City ordinances
- F. The inspection fee established in Section 400.500 of this Chapter shall include one (1) reinspection, if required as a result of deficiencies noted in the original inspection. Additional and subsequent inspections required by the Code Enforcement Official in order to verify compliance shall be made only after deposit of a new fee.

- G. No provision contained in this Section shall be interpreted as restricting the right of a seller or lessor to make application and pay the fee for an inspection and occupancy permit.

Section 400.500. Fees and Deposits.

- A. The fees and deposits for applications, filings, City review, and exceptions and appeals therefrom pertaining to the City's regulation of land use are established as follows:

1. Zoning Code. Filing fees for the various procedures and petitions addressed in Chapter 400, being the City's Zoning Code, and any amendments thereto, to be submitted by applicants at the time of submission of the applicable application shall be as follows:

Application/Permit	Amount of Fee/ Deposit	Zoning Code Reference
1. Rezoning	\$250.00 plus \$50.00 per acre or part thereof	§ 400.550
2. Text amendments	\$250.00	§ 400.550
3. Site plan approval	\$100.00 plus \$20.00 per acre or part thereof	§§ 400.170, 400.230, 400.370
4. Conditional use permit	\$250.00	§§ 400.420 — 400.430

	Application/Permit	Amount of Fee/ Deposit	Zoning Code Reference
5.	Board of Adjustment (appeals/variances)	<p>Single Family Residential</p> <p>\$50.00 for all acreage</p> <p>Commercial and Multi-Family Residential</p> <p>\$100.00 for less than 1/4 acre</p> <p>\$150.00 for 1/4 acre and up to but less than 1/2 acre</p> <p>\$200.00 for 1/2 acre and up to but less than 1 acre</p> <p>\$300.00 for 1 acre or more</p> <p>Signs</p> <p>\$100.00 for signs</p>	<p>§ 400.580</p> <p>§ 410.150</p>
6.	Building permit	<p>\$80.00 (residential)</p> <p>\$150.00 (commercial — new construction/addition)</p> <p>\$85.00 (commercial — alteration/tenant finish)</p> <p>\$150.00 (demolition for residential/commercial)</p>	§ 500.120

Application/Permit	Amount of Fee/Deposit	Zoning Code Reference
7. Occupancy permit (inspection + one reinspection)	\$150.00 initial inspection, including 1 reinspection, if required	§ 400.490
7. Occupancy permit (additional reinspections)	\$100.00 each additional reinspection	§ 400.490
8. Administrative permit (telecommunications)	\$500.00	§ 400.440(G)(2)
9. Development plan or planned residential district approval	\$1,500.00	§§ 400.340, 400.440
10 Customary home occupation	\$25.00	§§ 400.130, 400.190
11 Special business permit procedure	\$250.00	§ 400.180

2. Subdivision Code. Filing fees for the various procedures and petitions addressed in Chapter 405, being the City's Subdivision Code, and any amendments thereto, to be submitted by applicants at the time of submission of the applicable application shall be as follows:

Application/ Permit	Amount of Fee/Deposit	Subdivision Code Reference
1. Subdivision (filing of preliminary plat)	\$1,500.00	§ 405.040
2. Boundary adjustment	\$250.00	§ 405.040
3. Improvement guarantee review	\$200.00	§ 405.070 (§ 89.410, RSMo.)
4. Land disturbance permit	Per St. Louis County	§ 407.020

Application/ Permit		Amount of Fee/ Deposit	Subdivision Code Reference
5.	Private Property Site Work permit	\$25.00	§ 515.180

3. Sign Code. Filing fees for the various procedures and petitions addressed in Chapter 410, the City's Sign Code, to be submitted by applicants at the time of submission shall be as follows:

Application/ Permit		Amount of Fee/ Deposit	Sign Code Reference
1.	Permanent	\$100.00 (commercial)	§ 410.050
		\$50.00 (residential)	§ 410.030
2.	Temporary	\$75.00 (commercial)	§ 410.050
		\$50.00 (residential)	§ 410.030

B. Fee Administration.

1. The filing fees and deposits set forth in Subsection (A) of this Section shall be paid in anticipation of the City's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, costs of title research, surveys, legal, engineering and planning review, cost of traffic and planning consultants employed by the City, publication expenses, expenses of notification to adjoining property owners, expenses of hearings including rental of a hall, if necessary, court reporter, if requested by either the City or the applicant, and other investigations deemed necessary by the City. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full.
2. In the event the fee or deposit noted are insufficient to pay all such expenses incurred by the City, the City Clerk may document additional costs incurred by the City and request payment of same as soon as possible but not to exceed thirty (30) days. Processing and all other actions related to the application shall not proceed until such additional sums are

paid in full. Any and all unused portions of any additional sums required under this Section shall be refunded to the applicant upon request. Appeals from any decision hereunder shall be taken pursuant to Chapter 150 of the Municipal Code.

3. The Planning and Zoning Commission and the Board of Adjustment may adopt fees for processing matters that come before those entities where the fees are not otherwise provided by ordinance. Such fees may not exceed two hundred fifty dollars (\$250.00) for commercial matters and one hundred dollars (\$100.00) for residential matters. A schedule of such fees shall be filed with the City Clerk, at which time they shall become effective.

Section 400.510. Violations and Penalties.

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Chapter or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City of Twin Oaks, 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.
- 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 as set forth in Section 100.220.

- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
- D. Each of the remedies, fines and imprisonments set forth in this Section shall be cumulative and not exclusive remedies.

Article XV
Planning and Zoning Commission

Section 400.520 Membership.

There is hereby created and established a Planning and Zoning Commission for the City to be known as the "Planning and Zoning Commission." The Planning and Zoning Commission shall have a membership of not more than nine (9) nor less than seven (7) members, consisting of seven (7) citizens appointed by the Mayor and approved by the Board of Aldermen, the Mayor, if the Mayor chooses to be a member; and a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Planning and Zoning Commission. All citizen members of the Planning and Zoning Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.530 Organization And Operation.

The Planning and Zoning Commission shall elect its Chair and Secretary from among the citizen members. The term of Chair and Secretary shall be for one (1) year with eligibility for reelection. The Planning and Zoning Commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Planning and Zoning Commission may request authority from the Board of Aldermen to contract with City planners and other professional persons for the services that it requires. All expenditures therefor shall be subject to prior approval by the Board of Aldermen.

Section 400.540 Meeting Times.

- A. The regular meeting of the Planning and Zoning Commission shall be held on the fourth Tuesday of each month unless continued for lack of a quorum, or on the call of the Chair. The meeting will be held at the City office.
- B. The Chair and/or the City Clerk may cancel, continue or reschedule any regular meeting of the Planning and Zoning Commission or may call special meetings of the Planning and Zoning Commission; provided, however, that the provisions of Section **610.010** et seq., RSMo., (open meetings) shall be followed with reference to all regularly scheduled and special meetings of the Planning and Zoning Commission.
- C. Planning and Zoning Commission meetings may be mechanically recorded or minutes shall otherwise be prepared by the Planning and Zoning Commission Secretary. Minutes shall be available to the Board of Aldermen immediately upon preparation and approval by the Planning and Zoning Commission and shall further constitute an open and public record of City business. Mechanical recordings of a meeting shall be retained until all actions taken at said meeting are complete and final or until verbatim transcription is required, whichever shall first occur.

ARTICLE XVI
Amendments

Section 400.550. Procedural Requirements.

The Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission or any person having an interest in the property involved, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Planning and Zoning Commission for its recommendation and report. Upon receipt of the report by the Planning and Zoning Commission, the Board of Aldermen shall hold a public hearing, fifteen (15) days' notice of the time and place of which shall have been given by publication in a newspaper having general circulation within the City of Twin Oaks. In case of written protest against any proposed amendment, supplement, change, modification or repeal signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets and places) included in such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed is received by the Board of Aldermen, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

Article XVII
Board of Adjustment

Section 400.560 Board of Adjustment — Created.

- A. A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) members, all of whom shall be residents of the City appointed by the Mayor and approved by the Board of Aldermen. The term of office of the members of the Board of Adjustment shall be five (5) years excepting that the membership of the first Board of Adjustment 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 Board of Aldermen of the City upon written charges and after a public hearing. Up to three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members.
- B. The Board of Adjustment shall elect its own Chair and Vice Chair who shall serve for one (1) year. The Board of Adjustment shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Article.

Section 400.570 Meetings.

- A. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board of Adjustment may determine. Such Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.
- B. The Board of Adjustment shall keep minutes of the 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 City and shall be a public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board of Adjustment for that purpose.

Section 400.580 Appeals to Board of Adjustment.

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person or by any officer, department, board, or bureau of the City affected by any final decision of the Code Enforcement Official or other official. Such appeal shall be taken within thirty (30) days of the decision appealed from, as shall be prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer

from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with the officer that by reason of the facts stated in the certificate a stay would, in that officer's opinion, cause immediate peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment, or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

- C. The Board of Adjustment 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 in the City of Twin Oaks, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney.

Section 400.590 Purpose and Powers of The Board of Adjustment.

- A. Purpose. The purpose of the Board of Adjustment is to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City zoning laws adopted pursuant to Sections 89.010 to 89.140, RSMo., or of any ordinance adopted pursuant to such Sections. Subject only to the general or specific rules in this Article **XVII** or specific restrictions provided in State law (Sections 89.010 to 89.140, RSMo.), the Board of Adjustment may determine and vary its approval, modification or overturning of a decision appealed from in harmony with its general purpose and intent and appeals therefrom shall be made to the Circuit Court of St. Louis County as hereinafter provided.
- B. Powers. The Board of Adjustment shall have the following powers:
 - 1. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance.
 - 2. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Article.
 - 3. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the Master Development Plan.
 - 4. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or public enemy, to the extent of more than fifty percent (50%) of its reasonable value, where the Board of Adjustment finds some compelling public necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
 - 5. To permit a variation in the yard requirements of any district where there are practical difficulties in carrying out these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare. Before granting a requested variance and before making any finding in a specific case, the Board shall, as appropriate under the circumstances, determine that

applicant has demonstrated that:

- a. There are practical difficulties keeping the applicant from complying with the strict letter of the Zoning Code;
- b. The alleged practical difficulty(ies) relied on by the applicant as a ground for a variance is/are unique to the property and different from that suffered throughout the zone or neighborhood;
- c. The practical difficulty was not the result of the action of the applicant taken subsequent to the effective date of this Zoning Code;
- d. The proposed variance will not have present and future negative effect of the on the subject property or neighboring property;
- e. There will not be a substantial change in the character of the neighborhood if the proposed variance is granted;
- f. The proposed variance will not cause a substantial detriment to the adjoining properties;
- g. The proposed variance will not constitute any change in the Zoning Map, unless herein provided;
- h. The difficulty cannot be avoided by any other method, feasible for the applicant to pursue, other than the variance;
- i. In view of the manner in which the difficulty arose and considering all relevant circumstances, the interest of justice will be served by allowing the variance; and
- j. The proposed variance will not impair an adequate supply of light and air to adjacent property; will not unreasonably increase the congestion in public streets; will not increase the public danger of fire and safety; will not diminish or impair established property values within the surrounding area; and will not in any other respect impair the public health, safety, comfort, morals, and welfare of the City.

Section 400.600 Decision of Board of Adjustment.

- A. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to affect any variation in such ordinance except as provided in Section 305.410, RSMo.
- B. Every variation granted or denied by the Board of Adjustment shall be accompanied by a written finding of fact, based on testimony and evidence, and specifying the reason for granting or

denying the variation.

Section 400.610 Appeals from Board of Adjustment.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board, or bureau of the municipality may present to Circuit Court of the County or City in which the property affected is located, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which to return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. 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. All issues in any proceedings under Sections 89.080 to 89.110, RSMo., shall have preference over all other civil actions and proceedings.

Section 400.xxx Special Event Permits.

- A. *Requirements and Procedures.* The City Clerk is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The City Clerk may request a report be submitted by health officials with respect to any public health aspect of the proposal and by the City's police department with respect to any traffic or public safety aspect of the proposal, if appropriate. The permit shall be issued for a specified period of time not exceeding ten (10) days, unless otherwise provided hereafter or within the permit itself. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the City Clerk may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device, construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided; however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to City property, nor to property not held for private or corporate profit and used exclusively for religious worship, schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies.
- B. The following temporary uses shall be allowed on a lot for which the vendor has a property interest:
1. *Outdoor dining/storage.* Outdoor seating at a restaurant or outdoor storage of products or merchandise on a temporary basis (not to exceed thirty (30) days) at any business in the "C" District.
 2. *Amusement activity.* For the purpose of this Subsection, "amusement activity" includes a circus, carnival, fair, art display, trade or animal show, concert, dance, parade, and any similar activity not involving the erection of any permanent structure or facility.
 3. *Seasonal sales.* Christmas tree, pumpkin or other seasonal outdoor sales in any business in the "C" District or at a property used exclusively for religious worship or education for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that nothing shall be displayed within thirty (30) feet of the intersection of the curbline of any two streets.
 4. *Contractor's office.* Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of construction of such project.
 5. *Real estate office.* Real estate office (containing no sleeping or cooking accommodations

unless located in a model dwelling unit) incidental to a new residential development to continue only until the initial sale or lease of seventy-five percent (75%) of the dwelling units in the development.

- C. *Special Events.* All other special events not fully satisfying the criteria of this Chapter may be granted a special event permit only by the Board of Aldermen after review and report by the City Clerk. This permit may be granted, denied, or made subject to conditions that the Board of Aldermen may deem reasonably necessary to protect the public health, safety, and general welfare. The Board of Aldermen shall review the application based on the intent of this Chapter and the appropriateness of the event in light of the standards set forth herein.
- D. *Appeals.* Appeals from decisions of the City Clerk concerning special event permits may be appealed to the Board of Adjustment under the procedures set forth in Article XVII of the Zoning Code.

ZONING REGULATIONS

400 Attachment 1

City of Twin Oaks

Appendix A Urban Guidelines

A. Architectural/Building Elements.

1. Residential and commercial architecture within the City should be designed to maintain traditional standards of construction methods, materials, masses and forms.
2. All non-residential structures should be designed to create a strong physical and spatial relationship with either Big Bend Boulevard or Meramec Station Road frontage(s), as applicable.
3. Each commercial structure should have a main entrance oriented toward the street side of the structure, connecting with a sidewalk. Additional, supplementary entrances may be provided and oriented toward parking courts or pedestrian paths.
4. Building materials, colors and principal building roof/parapet lines should be carefully selected to assure that adjacent structures relate to each other.
5. Building construction should be of high quality and durable materials.
Acceptable materials include:
 - Brick;
 - Stone;
 - Concrete with approved texturing, scoring and detailing;
 - Clear Glass;
 - Metals including copper, steel, aluminum, when used as roof or detail elements including awnings, door and window frames, or decorative applications.
 - Fiber cement panels and siding

Unacceptable materials include:

- Stucco;
- Mirrored or tinted glass;
- Vinyl or plastic siding;
- Metal siding;

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- Concrete block or masonry unit (exposed);
 - Canvas or other fabric.
6. Primary materials and colors should wrap all exposed facades of the building. A harmonious range of colors should be used emphasizing earth tones and natural colors. Bright colors intended to call attention to individual buildings should not be allowed.
 7. Individual property owners and developers should consult with adjacent owners to coordinate development activities and resources such as shared service alleys, etc.

B. Additional Architectural Guidelines.

1. Roof forms and materials:
 - a. All buildings should be designed with consistent roof pitches (all roofs on same building should be similar);
 - b. Use of roof pitches between and including 4:12 to 6:12 are recommended where possible.
2. Height, scale:
 - a. The height of Principal Buildings should be limited to three (3) stories.
 - b. Buildings should be designed so that the building elements (canopies, bays, projections, etc.) will provide the scale of the building rather than applied details.
3. Entries:
 - a. Significant articulation or structural detailing should be provided at entry points.
 - b. Entries should be articulated with architectural canopies, overhangs, etc.
4. Facade articulation:
 - a. Corners of buildings should include significant articulation through fenestration, building materials, and detailing.
 - b. Window fenestration should be grouped or set in bands; window frame configurations should be limited to simple rectangular shapes with clear delineation of fixed and operational elements.

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- c. Building projections should be maintained as consistent modules and random wall modulations or projections should be avoided.

C. Pedestrian Circulation.

1. All collector streets (i.e., Big Bend Boulevard, Meramec Station Road) should be provided with sidewalks on both sides. Sidewalks should be a minimum of four (4) feet in width. In addition, pedestrian designated circulation routes should be provided within commercial developments to connect adjacent parking areas, streets, buildings and neighborhoods.
2. Americans with Disabilities Act (ADA) requirements should be adhered to in all instances.
3. Special paving materials should be used to enhance primary pedestrian circulation routes and provide a clear designation from vehicular movement areas. Special paving materials include:
 - Colored and patterned or scored concrete;
 - Concrete or asphalt unit pavers;
 - Stone.

D. Vehicle Access, Driveways, And Parking.

1. Vehicular access points (curb cuts) to individual non-residential parcels should be limited to one (1) per parcel, or no more than one (1) per three hundred (300) feet of frontage on Big Bend Boulevard or Meramec Station Road, as applicable, within a single parcel.
2. No through access should be allowed into commercial development parcels from neighborhood streets except for service drives signed as such.
3. To create simple, easily recognizable private entries, access points from Big Bend Boulevard and Meramec Station Road should be coordinated between adjacent parcels where possible. Driveways and parking areas should be designed to accommodate efficient vehicle stacking during peak periods, based on a site specific traffic analysis.
4. Landscape buffering and screening of parked cars should be provided on each non-residential parcel; planting materials, fencing, walls and barriers should be coordinated to provide a continuous, harmonious screening effect.
5. Parking lots and service alleys should not dominate commercial street frontage. Building walls and entries, landscape conditions, and pedestrian areas should create the primary focus from such streets.

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6. Service alleys and other service zones should not be located in areas that are visible from public roads or neighborhood entry throughways.
- E. Additional Parking Area Landscaping, Buffering And Screening Requirements.
1. A fifty (50) feet wide landscape buffer strip should be implemented on all commercial parcels where such parcels abut residential or other uses.
 2. A minimum of one (1) large canopy tree (minimum three-inch caliper measured three (3) feet above finished grade) should be planted within the boundary of the parking lot for every six (6) parking spaces developed, but the number of trees should not be less than two (2) in any case. Minimum spacing between each tree planted should be twenty (20) feet.
 3. Tree species utilized in parking and landscaped areas should be indigenous to the region, or of a horticultural variety that is identified as a USDA Plant Zone 5 material.
 4. Minimum six (6) feet wide landscape buffer strips or planting islands should be provided between each parking bay when there are fifty (50) or more parking spaces developed within a site. Where any landscape area exists adjacent to a parking space, screen planting materials should be located to provide separation from the parking area edge of at least two (2) feet.
 5. All parking areas should be screened. At maturity, screening should be a minimum of two (2) feet above the adjacent curb elevation of the parking spaces screened.
- F. Service, Loading And Utilities.
1. All utility services including, but not limited to, meters, vaults, sprinkler risers, vacuum breakers, and trash containers, and service or loading areas should be screened by evergreen hedges or walls or by screens planted with evergreen vines. These screening devices should be of a minimum height to extend above and completely block the view of such areas or devices within one (1) year of the time of installation.
 2. Loading areas should be accommodated entirely on-site for each parcel.
 3. Parallel parking spaces for delivery vehicles should be provided along service drives or in specially designated courts or loading areas.
 4. Loading docks and trash storage should not be located along street frontages and should be screened from view with landscape or architectural elements designed as part of the building structure. Service elements such as loading doors should be integrated with the building elevation design so as to minimize the visual impact of such elements.

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5. All new installations and replacement of existing exterior utilities such as water, gas, sewerage, electrical, and communication lines should be installed underground.
6. Where potentially visible from a public street, all mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar equipment should be screened from view by landscaping or architectural elements integrated into the structure.