

CHAPTER 53. ZONING

ARTICLE I: General Provisions

Section 53.010. Short Title.

This Chapter shall be known, referred to and recited as the Zoning Code of the City of Webster Groves.

Section 53.020. Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory. The definitions follow in alphabetical order:

"Accessory Buildings" shall mean a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises.

"Accessory Equipment" shall mean any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

"Accessory Structure - General" shall mean, except in planned, institutional and educational districts where individual lot lines may be disregarded under certain circumstances, a structure located on the same lot with the principal structure and customary, incidental and subordinate to the use of the principal structure and subordinate in lot coverage and floor area to the principal structure as provided in this Chapter.

"Accessory Structure – Planned, Institutional and Educational Districts" shall mean, a structure located on an area of land where lot lines may be disregarded because of special provisions in a planned, institutional or educational regulation and that is customary, incidental and subordinate to the use of a principal structure or structures on that same area of land and that is subordinate in land coverage and floor area to the principal structure, the use of which it services, and is compliant with all land coverage and floor area requirements in this Chapter.

"Accessory Use - General" shall mean a use allowed in conjunction with a permitted land use or a conditional land use to the extent expressly allowed by the conditional use permit allowing the conditional land use and when such accessory use is customarily found in conjunction with the primary use, is reasonably necessary and incidental to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use, whether the primary use is a use permitted as a matter of right or granted by a conditional use permit.

"Accessory Use - Planned, Institutional and Educational Districts" shall mean a use allowed in conjunction with a permitted land use and limited to non-commercial purposes

by non-profit, institutional entity, even though such use might be operated or provided by a for-profit entity that is providing goods or services for the non-profit institutional entity and such use is directly related to the primary use, customarily found in conjunction with the primary use, is reasonably necessary and incidental to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use, whether the primary use is a use permitted as a matter of right or granted by a conditional use permit.

“Accessory Utility Facility” shall mean such facilities, including pedestals, boxes, vaults, cabinets, or other ground-mounted or below-ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area, and otherwise are customarily found in such areas. Unless otherwise required by law, accessory utility facilities shall not include fire hydrants, street lighting facilities, traffic signals, mail depositories or other approved facilities owned by the City, state, or federal government.

“Adult Day Care Center” shall mean an Adult Day Care program providing care to more than eight (8) functionally impaired adults.

“Adult Day Care Home” shall mean in residential and commercial zoning districts, a building or dwelling maintained (the “premises”) by a person who provides or attempts to provide an Adult Day Care program, providing care to eight (8) or fewer functionally impaired adults; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Adult Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide an Adult Day Care program. Furthermore, at no time shall any such program in a residential district provide medical care, therapy, or other services which require the presence on site of an additional care provider or specialist, even if the state license allows the provision of such services.

“Adult Day Care Program” shall mean a group program, licensed by the State of Missouri Department of Social Services-Division of Aging, designed to provide care and supervision to meet the needs of functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult’s own home.

“Alley” shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

“Ancillary use” shall mean a use which is to serve the occupants and patrons of any primary use permitted as a matter of right within a building.

“Antenna” shall mean communications equipment that transmits or receives electromagnetic radio signals used in the provisions of any type of wireless communications services, excluding amateur antennas.

“Apartment” shall mean a room or suite of rooms in a two-family or multiple dwelling, or where more than one living unit is established above non-residential uses, and that is used, intended to be used or designed for use as a residence by a single family

including bath and culinary accommodations. "Apartment" does not include "Student Housing, Apartment."

"Applicant" shall mean any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

"Application" shall mean a request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure.

"Appurtenance" shall mean an antenna or other piece of related equipment affixed to a transmission tower, building, silo, smokestack, light or utility pole, or an alternative support structure.

"Athletic Facilities" shall mean facilities both indoor and outdoor for recreation use, characterized by potential impacts on traffic and the character of the neighborhood including but not limited to: lighted athletic fields/complexes for soccer, baseball, basketball, football, tennis; batting cages; swimming pools; golf courses; and skateboard parks.

"Athletic Fields" shall mean a developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer. Temporary bleachers and field equipment may be provided.

"Banquet Facility" shall mean a facility for hire, providing food service and /or entertainment.

"Basement" shall mean a floored and walled substructure of a building at least fifty (50) percent below the average finished grade of the building. If more than fifty (50) percent or five (5) feet, whichever is greater, is exposed above the grade, the area is counted as a story in height regulations.

"Bed and Breakfast Facility" shall mean a type of short term rental where a portion of a single family residence may be used for temporary guest accommodations upon its owner being granted a conditional use permit under the provisions of Section 53.170 et seq. and a business license as provided in the Code.

"Boarding House" shall mean a building other than a hotel, where for compensation pursuant to previous arrangement, meals, or lodging and meals, are provided for three (3) or more persons.

"Body Piercing" shall mean any method of piercing the skin or mucosa, other than the ear, in order to place an object including but not limited to rings, studs, bars or other forms of jewelry through the skin or mucosa.

"Building" shall mean any structure affixed to the land and designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

"Building, Height Of" shall mean the vertical distance from the average finished grade

to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

“Building permit” shall mean a permit issued by the City prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies the applicable building code.

“Building Zone” shall mean an area identified on the approved Campus Master Plan where the Educational Facility may renovate an existing structure, enlarge an existing structure, or build a new structure for any permitted use, but not lesser categories of uses, such as conditional or accessory uses, and provided further that structured parking facilities and surface parking lots for more than ten vehicles may only be developed in designated Building Zones as reflected in the plan.

“Campus” shall mean an area of land located within and zoned as an “EC” District comprised of the aggregate of one or more contiguous lots that are under common ownership and developed for permitted uses, and with such conditional and accessory uses as are otherwise authorized in this Chapter 53.

“Campus Master Plan” shall mean the maps, plats, plans, charts, and descriptive matter adopted by the City Council in accordance with the “EC” District regulations contained in this Chapter 53.

“Campus Section Plan” shall mean a plan for future development of a portion of contiguous property situated within an “EC” District.

“Child Day Care” shall mean the care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Child Day Care is a voluntary supplement to parent responsibility for the child’s protection, development, and supervision. Child Day Care may be given in a Child Day Care Home or a Child Day Care Center.

“Child Day Care Center” is a facility other than the provider’s permanent residence, or separate from the provider’s living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

“Child Day Care Facility” is a Child Day Care Home or a Child Day Care Center, whether known or incorporated under another title or name.

“Child Day Care Home” or **“Child Day Nursery”** shall mean in residential and commercial zoning districts, a building or dwelling maintained (the “premises”) by a person who provides or attempts to provide care for more than four (4) but not more than ten (10) children, who are not related to the Day Care provider, at any one time during the daytime for compensation or otherwise; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide any day care service for unrelated children.

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

“Convenience store (with gasoline)” shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries as well as gasoline for use in motor vehicles, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores.

“Convenience store (without gasoline)” shall mean a small store or shop (minimum 1,000 sq ft) that typically has long hours and sells a mix of items, excluding gasoline, such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, along with a selection of processed food and perhaps some groceries, but which is neither as large nor sells the broad scope of items commonly sold by grocery stores.

“Director” shall mean the Director of Planning and Development of the City of Webster Groves, Missouri, or his/her designee.

“Disguised Support Structure” shall mean any freestanding, manmade structure designed for the support of wireless facilities, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flag poles and light standards.

“District” shall mean a section or sections of the City of Webster Groves for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

“Drinking Establishment” shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises including but not limited to, pubs, bars, cocktail lounges, public houses and taverns. The serving of food is not required but may be provided.

“Dwelling” shall mean any building or portion thereof which is designed for or used exclusively for residential purposes.

“Dwelling, Single-Family” shall mean a detached building designed for or occupied exclusively by one family.

“Dwelling, Single-Family Attached” shall mean two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot.

“Dwelling, Two-Family” shall mean a detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.

“Dwelling, Multiple” shall mean a building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, and doing their own cooking in said building, including apartments and apartment hotels.

“Educational Facility” shall mean a school or institutional use in varying densities in a building or buildings which can include such accessory uses as administrative or faculty offices, classrooms, laboratories, chapels, auditoriums, cafeterias, gymnasias, theater, lecture halls, libraries, and ancillary facilities for students, faculty and employees associated with each of the following types of uses:

“Educational Facility, Elementary” shall mean a public, private or parochial school use offering instruction at the elementary and/or junior high school levels with a full range of curricular programs.

“Educational Facility, Small College” shall mean an institutional use that is primarily focused on undergraduate education and grants more than half of their baccalaureate degrees in arts and science fields.

“Educational Facility, University” shall mean an institutional use that typically offers a full range of baccalaureate programs and graduate education through the doctorate degree and may also have research facilities.

“Educational Facility, Secondary” shall mean a public, private or parochial school use offering instruction at the senior high school level with a full range of curricular programs.

“Educational Facility, Seminary” shall mean an institutional use that is primarily focused on religious instruction or training members of the clergy and offering degrees in religion.

“Educational Facility, Special Needs” shall mean an institutional use offering instruction at the primary or secondary school levels for students with special needs, behavioral or learning disabilities, or for similar reasons and can have limited dormitory uses.

“Electrical transmission tower” shall mean an electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

“Equipment compound” shall mean an area surrounding or near a wireless support structure within which are located wireless facilities.

“Existing structure” shall mean a structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

“FAA” shall mean the Federal Aviation Administration.

“Faculty Housing” shall mean a dwelling unit/s for person/s teaching at an educational facility located on an educational campus and permitted in accordance with this Chapter 53.

“Family” shall mean one or more persons occupying a dwelling and living as a single housekeeping unit, all of whom, or all but two of whom, are related to each other by birth, adoption, or marriage, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

“FCC” shall mean the Federal Communications Commission.

“Fence” shall mean a barrier made of posts, wire, boards or other permanent, durable material, erected to mark a boundary or to serve as a means of protection or privacy and, constructed in conformance with the building code of the City of Webster Groves.

“Filling Station” See **“Service Station”**.

“Floor Area” shall mean the horizontal area of a floor of a building measured from the interior face of the exterior walls of building, without deduction for hallways, closets, thickness of walls, columns or other features. For the purposes of computing floor area for half story, any portion of the floor area measuring less than five (5) feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

“Floor Area, Adjusted Gross” shall mean the gross floor area of a structure, as defined herein, adjusted as follows:

- a. All living space with ceiling heights of sixteen (16) feet or greater shall be counted at two hundred percent (200%).
- b. Basements as defined herein, including garages located below the first floor of a single-family home, shall not be counted.
- c. The floor area of all other attached garages shall be counted at fifty percent (50%).

“Floor Area, Gross” shall mean the sum of the floor areas for all stories of a building as defined herein.

“Floor Area Ratio (FAR)” shall mean the ratio of the adjusted gross floor area of a primary structure to the total area of the site.

“Frontage”

- a. **“Street Frontage”** shall mean all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.
- b. **“Lot Frontage”** shall mean the distance for which the front boundary of a lot and the street line coincide.

“Functionally Impaired Adult” shall mean an individual aged eighteen (18) or older who, by reason of age or infirmity, requires care and supervision.

“Garage, Private” shall mean an accessory building housing motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than one and one-half (1 1/2) tons capacity.

“Garage, Public” shall mean any building or premises used for equipping, repairing, hiring, selling or storing motor driven vehicles.

“Golf Course” shall mean an area or course for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area, including any practice driving range area, is not artificially illuminated.

“Grade”

“Grade” shall mean the average level of the finished surface of the ground adjacent to the exterior walls of the structure. In the case the walls are within five (5) feet of a public sidewalk, alley or right of way, the grade shall be the elevation of the sidewalk, alley or right of way.

“Gymnasium” shall mean a building or room designed and equipped for indoor sports, exercise, or physical education that is accessory to a primary permitted use.

“Height” shall mean the vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

“Home Occupation” shall mean any occupation, business, profession, or commercial activity carried on by a member of the immediate family, residing on the premises, in connection with which there is kept no stock in trade; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except that which is normally used for purely domestic or household purposes; and in connection with which there is no display or activity whatever that will indicate from the exterior that any building in a residential zone is being used, in any manner, for any purpose other than that of a dwelling, except that the indoor tutoring of up to two students at a time is a permissible home occupation; and upon which premises no commercial vehicle shall be parked or stored except within a closed garage, and in compliance with the applicable zoning District.

“Household” or **“Householder”** shall mean a person or persons who lives or live in a single-family residence, one-half of a two-family residence or in an apartment, condominium or townhouse.

“Hotel” shall mean a building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

“Institution” shall mean a building occupied by a non profit corporation or a non profit establishment for public use.

“Loading Space” shall mean a space within the main building or on the same lot providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of fourteen (14) feet.

“Lodging House” shall mean a building or place where lodging is provided (or which is equipped to provide lodging) by prearrangement for a definite period, and for compensation, for more than three (3) persons, but for not more than twenty (20) persons, in contradistinction to hotels open to transients.

“Lot” shall mean a parcel of land occupied or intended for occupancy by a use permitted in this Code and having its principal frontage upon a street.

“Lot, Corner” shall mean a lot abutting upon two (2) or more streets at their intersection.

“Lot, Depth Of” shall mean the mean horizontal distance between the front and rear lot lines.

“Lot, Double Frontage” shall mean a lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

“Lot, Reversed Corner” shall mean a lot having its rear lot line abutting the side lot line of another lot.

“Lot of Record” shall mean a lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds.

“Lot Lines” shall mean the lines bounding a lot as defined herein.

“Major Thoroughfare” shall mean a street or highway being a part of the system of principal streets shown upon the Major Street plan of The City of Webster Groves.

“Maneuvering Space” shall mean the unobstructed area needed for a truck to back in a single movement directly from the access street into a loading space, the depth of which is measured perpendicular to and from the front of the loading space to the curb side of the most remote traffic lane in the access street.

“New Construction” shall mean entirely new structures or significant additions to a structure that requires a building permit or an occupancy permit under Chapter 20 and Chapter 53 of the City Code.

“Nonconforming Use” shall mean any building or land lawfully occupied by a use at the time of Passage of Ordinance 5906 or amendment thereto, which does not conform after the passage of Ordinance 5906 or amendment thereto with the use regulations of the district in which it is situated, provided that types of uses contained in Section 53.170 et seq. of this Code existing at the time of the passage of Ordinance 5906 shall be

considered as nonconforming until such time as a permit under Section 53.170 et seq. has been issued.

“Nursery School” shall mean a school operated by a person or organization which is conducted primarily for education of preschool-age children for no more than four (4) hours per child per day and which provides no custodial care.

“Open Space” shall mean an area that may include pervious surfaces such as ponds, grass areas, and landscaped areas. Open space also includes water features or drainage ditches, athletic fields, sidewalks, and pedestrian areas such as plaza areas for seating. Open space specifically excludes any portion of a site covered by a building, any paved area for vehicular circulation or parking, and any outdoor storage areas.

“Open Zone” shall mean an area on the approved Campus Master Plan where no new structure may be built. Existing structures located in designated Open Zones may be renovated for any permitted use except a structured parking facility or surface parking, but may not be expanded in either height or building footprint. An Open Zone may contain walks (paved or unpaved), landscaping, athletic fields, gazebos, fountains, storm water retention/detention basins, rain gardens and similar ancillary improvements.

“Parking Space” shall mean an area surfaced with concrete, bituminous or similar materials, comprising not less than one hundred eighty (180) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

“Pawn Shop” shall mean an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

“Planned Environment Unit Lot” shall mean a parcel of land utilized for a Planned Environment Unit, utilized, occupied or intended for any occupancy or use permitted in this Zoning Code including the use of one or more main buildings together with accessory buildings, or uses, and the open spaces and parking spaces required by this Zoning Code.

“Recyclables” shall mean all plastic containers and Styrofoam material from households; aluminum containers and material; clear, green and brown/amber glass containers; steel containers used in a household; newsprint and paper from households; fiberboard and corrugated cardboard from households; non-leaking batteries and tires from households; white goods from the households, such as washers, dryers, stoves, ranges, trash compactors, and water heaters.

“Recycling Facility” shall mean any building or premises operated primarily for the benefit of the general public which accepts some or all of the materials defined herein as recyclables.

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

“Rooming House” See **“Lodging House”**.

“Service Station” shall mean any building or premises used primarily for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage

“Setback” shall mean the required minimum horizontal distance between a road right of way or lot line and the front line of a building excluding steps and unenclosed porches, except as may be permitted elsewhere in this Code.

“Sexually Oriented Business” shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, escort agency, semi-nude model studio, or sexual encounter center, as defined in Chapter 41 of the City Code, Licensing and Regulation of Particular Businesses.

“Shopping Centers” shall mean a group of retail stores, planned and developed for the site upon which they are built and owned or managed as a unit and designated as such by filing in the office of the City Clerk a declaration showing the legal boundaries of such center and listing the name and address of the owner and manager thereof, provided, however, that the site may not be less than five (5) acres.

“Shopping District” shall mean a retail center consisting of twenty (20) or more retail stores, being either under single management or in an association, having common identity as to location and designated as such by filing with the City Clerk a declaration signed by such manager of the association showing the boundaries of the district and listing the name and address of the members of the association and the manager thereof.

“Short Term Rental” shall mean an accommodation for transient guests where, in exchange for compensation, a portion of a single family residence is provided for lodging for a period of time not to exceed fourteen (14) consecutive days.

“Signs” See Comprehensive Sign Ordinance and Building Code requirements, classification, regulation and size.

“Site Development Plan” shall mean a site plan accompanying an application for a building permit, prepared by a qualified engineer or architect, depicting proposed development of an area in conjunction with the proposed development and in compliance with all applicable Site Development regulations contained in this Chapter 53.

“Small Loan Businesses” Establishments which (a) engage in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or (b) are registered as lenders under state or federal law. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business. This classification does include, but is not limited to check cashing stores, payday loan stores, and car title loan stores.

“Standard Outdoor Advertising Structures” shall mean All signs which advertise products, services or businesses which are not located on the same premises as the sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground.

“Storage Area” shall mean all areas within a building used for the storage of goods or materials that are not open to the public, but not including work areas, office space, or the temporary storage of customers’ goods.

“Story” shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. Basements that are more than fifty (50) percent or five (5) feet, whichever is greater, above grade count as a story in the height regulations.

“Story, Half” shall mean a space under a sloping roof where the gross floor area of any portion measuring more than five (5) feet from the finished floor to the finished ceiling is equal to less than seventy-five (75) percent of the gross floor area of the floor below. Areas which constitute more than seventy-five (75) percent of the gross floor area of the floor below shall count as a story in the height regulations.

“Street” shall mean all property dedicated or intended for use as a public or private street, highway, freeway, or roadway or subject to public or private easement therefor.

“Structure” shall mean anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, bill boards, back stops for tennis courts and pergolas.

“Structural Alterations” shall mean any change in the supporting, members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such alterations as may be required for the safety or appearance of the building.

“Student” shall mean a person who attends an educational facility.

“Student Housing” shall mean a structure specifically designed for long-term stay by students of an educational facility for sleeping accommodations and permitted in accordance with this Chapter 53. Structures shall be located in an “EC” District or an area outside an “EC” District that is not contiguous but that has been approved by legislative action of the City Council. This includes the following types of student housing: any dormitory, fraternity/sorority house or apartment.

“Substantial modification” shall mean the mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed.

- a. Increases the existing vertical height of the structure by:
 1. More than ten percent; or
 2. The height of one additional antenna array with separation from

the nearest existing antenna not to exceed twenty feet, whichever is greater; or

- b. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
- c. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or
- d. Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet.

“Tattooing” shall mean any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

“Tattoo or Body Piercing Establishments” shall mean any establishment or facility, other than the office of a licensed medical doctor, where the art of tattooing or body piercing is performed.

“Trailer” shall mean any vehicle or container without motive power designed for carrying, disposal, or storage of property or for carrying passengers on its own structure and for being drawn by or attached to a self propelled vehicle; and any semi trailer or vehicle of the trailer type so designed and used in conjunction with a self propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle; and any vehicle, whether moving under its own power or attached to and drawn by another motor vehicle, designed and constructed to permit occupancy for use as a temporary or permanent camping, dwelling or sleeping quarter for one or more persons.

“Utility” shall mean any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

“Utility pole” shall mean a structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

“Wireless Communications Service” shall mean to include the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the communications Act of 1934, 47 U.S.C. § 301

“Wireless Facility” shall mean the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas,

accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.

“Wireless Support Structure” shall mean a structure, such as a monopole, tower or building capable of supporting wireless facilities. This definition does not include utility poles.

“Yard” shall mean an open area between the structure setback lines of a lot as established by the regulations of a particular zoning district. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

“Yard, Front” shall mean a space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the right of way.

“Yard, Rear” shall mean a space opposite the front yard extending across the rear of a lot between the structure setback line as required by the regulations of a particular zoning district and the rear lot line. On corner lots, the rear yard shall be considered as parallel to the street upon which the lots has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

“Yard, Side” shall mean a space extending between the structure setback line as required by the regulations of the particular zoning district and the side lines of the lot, and extending between the front yard and the rear yard. (Ord. No. 8851, §1,1-6-2015, Ord. No. 8967, §1, 6-20-2017, Ord. No. 8971, §1, 2-21-2017)

ARTICLE II: Establishment of Districts

Section 53.030. Districts.

In order to regulate and restrict the location of trades, industries and residences and the location of buildings erected, or altered for specified uses, and to regulate and limit the height of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the City of Webster Groves is hereby divided into districts of which there shall be fourteen (14), known as:

“A1” Twenty Thousand Square Foot Residence District

“A2” Fifteen Thousand Square Foot Residence District

“A3” Ten Thousand Square Foot Residence District

“A4” Seventy five Hundred Square Foot Residence District

“B1” Planned Multiple Family Residence District

“**B2**” Multiple Family and Commercial District

“**C**” Commercial District

“**C1**” Commercial District

“**PC**” Planned Commercial District

“**D**” Commercial District

“**E**” Industrial District

“**EC-1**” Educational Campus District

“**EC-2**” Educational Campus District

“**MEC**” Major Educational Campus District

(Ord. No. 8851, 1-6-2015)

Section 53.031. District Map.

The boundaries of the districts are shown upon the map which is made a part of this Code, which map is designated as the “District Map.” The district map and all the notations, references and other information shown thereon are a part of this Code and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the City Clerk of the City of Webster Groves, Missouri. The District map shall be considered as automatically amended each time there is any change of zoning and such change in zoning shall be considered as appearing on the district map from and after any such change.

Section 53.032. Annexation.

All territory which may hereafter be annexed to the City of Webster Groves, Missouri, shall be considered as being in the “A3” Ten Thousand Square Foot Residence District until otherwise changed by ordinance.

Section 53.033. Vacation of Street, Alley, Public Way.

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

Section 53.034. General Requirements in all Districts.

Except as hereinafter provided:

- a. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the land is located.
- b. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the land is located.
- c. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area, parking and loading regulations of the district in which the land is located.
- d. The minimum yards and other open spaces, including lot area per family, required by this Zoning Code for each and every building existing at the time of passage of Ordinance 5906 or for any building thereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced below the district requirements of this Zoning Code.
- e. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Zoning Code.

ARTICLE III: Residential Districts**Section 53.040 “A1” Twenty Thousand Square Foot Residence District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the “A1” Twenty Thousand Square Foot Residence District.

Section 53.041. “A1” Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

- a. Single-family dwellings.
- b. Parks, playgrounds, and community buildings owned, or operated by a public agency.
- c. Public libraries.
- d. Educational facility, elementary or secondary
- e. Golf Courses, except miniature courses and driving tees.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

- a. Any public building erected and used by any department of the City, County, State or Federal Government.
- b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.045 for development standards for this use.)
- c. Cemetery.
- d. Churches.
- e. Community building or recreation field.
- f. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- g. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

- h. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.
- i. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See Section 53.046 for development standards for this use.)
- j. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- k. Accessory Use parking areas. (*See Section 53.047 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

- a. Residential structures and garages (*See Section 53.048 for development standards for this use.)

Section 53.042. “A1” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.043. “A1” Dimensional Regulations.

a. Height

- 1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
- 2. For additions to existing structures, if the pre-construction differential between the highest and lower grade elevation around the perimeter of the structure exceeds eight (8) vertical feet, then the allowable height of exposure can be increased by two (2) feet and the basement will not be counted as a story in the height regulations.
- 3. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.
- 4. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.
- 5. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding

seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. Front Yard Setback.

1. Lots that have been legally platted with an established front yard setback shall follow the recorded setback.
2. For lots that have no recorded front yard setback and are located on a block occupied with two (2) or more buildings, then the minimum front yard setback shall be established in the following manner:
 - A. If the lot or the existing building in question is located within one hundred (100) feet of a building on either side, the depth of the front yard for that lot or existing building shall be the average of the front yard setbacks of these two adjacent buildings. If the average creates a setback that is more than twenty five (25) percent of the depth of the lot in question, the setback will be established by the adjacent building located closest to the right of way; or
 - B. When a lot or existing building is within one hundred (100) feet of an existing building on one side only, then the front yard setback is the same as the front yard setback of the adjacent building; or
 - C. When neither paragraphs A. or B. above are the case, the front yard setback shall be thirty (30) feet; or
 - D. Except as set forth in subsection f. (Uses allowed by Conditional Use Permit) below, setbacks can be established through the Conditional Use Permit process.
3. Where lots have a double frontage, the required front yard setback shall be provided on both streets.
4. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a setback of not less than six (6) feet. No accessory building shall project beyond the front yard setback on either street.
5. A dwelling that existed as of September 20, 1956 may be enlarged, provided the proposed addition does not extend into any required front yard setback a distance greater than the original dwelling structure.
6. An open unenclosed porch or paved terrace may project into a required front yard setback for a distance not exceeding ten (10) feet. For structures existing as of September 20, 1956, the ten (10) feet shall be measured from the original dwelling structure.

c. **Side Yard Setback.** The minimum side yard setback shall be established in the following manner:

1. There shall be a side yard on each side of the building having a width of not less than twelve (12) feet; or
2. Residential structures existing as of September 20, 1956 which are closer to the side property line than twelve (12) feet may be enlarged, provided any addition is no closer to the side property line than twelve (12%) percent of the lot width at the front yard setback.

d. **Rear Yard Setback.** Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard setback of not less than twenty percent (20%) of the depth of the lot provided such rear yard setback need not exceed forty (40) feet but it shall not be less than thirty (30) feet.

e. **Intensity of Use.** Every lot or tract of land shall have an area of not less than twenty thousand (20,000) square feet, a width at the front yard setback of not less than one hundred (100) feet, and an average width of not less than one hundred (100) feet, except that if a lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than herein required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots:

1. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any combination of husband and/or wife shall be deemed the same ownership.
2. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

f. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards setbacks as approved for the specific development of a conditional use, as prescribed in Section 53.170. et seq.

g. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) for a single-family detached residence shall not exceed:
 - A. For lots 7,500 square feet or less in area, 0.35 or 2,600 square feet, whichever is greater;
 - B. For lots greater than 7,500 square feet but less than 10,000 square feet, 0.32 or 2,800 square feet, whichever is greater;

- C. For lots 10,000 square feet or greater but less than 20,000 square feet, 0.30 or 3,200 square feet, whichever is greater;
 - D. For lots 20,000 square feet or greater in area, 0.25 or 6,000 square feet, whichever is greater;
2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.
 3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwellings existing or for which a permit has been issued, within one hundred fifty (150) feet of the proposed site in respect to one or more of the following features:
 - A. Gross Floor Area
 - B. Height of building or height of roof
 - C. Front elevation building width or percentage of lot width occupied by the building
 - D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style.

h. Yard Projections

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground shall have a setback of three (3) feet from the adjacent side lot lines.
3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

i. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall have a setback of five (5) feet from a side or rear property line.

j. Open Space

In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

(Ord. No. 8967, §1, 6-20-2017)

Section 53.044. Development Standards for Short Term Rentals

The purpose of this section is to establish standards for short term rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Webster Groves by minimizing negative secondary affects related to short term rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.

a. Type One Short Term Rental: Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170. et seq. and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

1. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.
3. The maximum number of guests at any one time may not exceed eight (8) but in no event may be residence be utilized for a number of individuals in excess of

that number permitted by the applicable housing code provisions of the City of Webster Groves.

4. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.
5. The B&B facility shall provide off street parking in a garage or surface spaces in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.
6. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food preparation capabilities shall be provided in the guest rooms.
7. The B&B facility shall appear at all times as a single family residence.
8. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The B&B facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.
10. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:
 - a. The sign area shall not exceed three (3) square feet;
 - b. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;
 - c. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;
 - d. The sign must be designed and constructed of materials consistent with the design and materials of the house;
 - e. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and
 - f. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

b. Type Two Short Term Rental

Type Two Short Term Rentals shall be permitted upon meeting the conditions below, and the issuance of a business license as provide in the Code. To protect the residential districts in which they are located, the Short Term Rental permit shall be revocable upon failure to abide by the conditions of the permit.

1. No more than two (2) rooms of the residence shall be used for the short term rental guest use.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the short term rental location as his/her permanent residence and shall reside on the premises at all times that a short term rental guest is registered.
3. The maximum number of guests at any one time may not exceed four (4) but in no event may the residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.
4. Short term rentals guests may not remain longer than fourteen (14) consecutive days, nor may it the same guest reside within the facility more than a total of thirty (30) days per calendar year.
5. The Short Term Rental facility shall provide off street parking in a garage or surface spaces in a rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/operator.
6. No food preparation capabilities shall be provided in the guest rooms.
7. The Short Term Rental facility shall appear at all times as a single family residence and no identification signage of any kind shall be located on the premises.
8. The Short Term Rental facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The Short Term Rental facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

c. Short Term Rental Notification Requirements

1. A packet of information with each Short Term Rental Permit will be provided upon approval of the permitted location. The packet will include the following:
 - a. The name and contact information of the responsible contact designated in the application.
 - b. Occupancy limits applicable to the property;

- c. Restrictions on noise applicable under the City’s housing code, including limitations on the use of amplified sound;
 - d. Parking restrictions;
 - e. Trash collection schedule;
 - f. Information on applicable requirements of the Americans with Disabilities Act;
 - g. Other guidelines and requirements applicable to Short Term Rental uses.
2. The owner or operator of the Short Term Rental must provide renters a copy of the information listed in Section c.1. above and post the packet conspicuously in the rental rooms.
3. The City of Webster Groves shall mail notice of the contact information for the responsible contact for all properties within three hundred (300) feet of the Short Term Rental use at the owner or operator’s expense.

(Ord. No. 8981, §1, 5-2-2017)

Section 53.045. Development Standards for Hospitals; Clinics and Institutions

Hospitals, Clinics and Institutions

- 1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;
- 2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;
- 3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and
- 4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.046. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.
- b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district. This regulation does not apply to properties within the boundaries of a business district or those properties partially zoned “C” or “D” commercial districts. (Ord. No. 8910, § 1, 11-3-2015)

- c. No signage is permitted for property within a residential district.
- d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.
- e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.047. Development Standards for Accessory Parking Lots

- a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.
- b. Permit no parking within six (6) feet of the rear or side lot line(s);
- c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;
- d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;
- e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and
- f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.048. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two

people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an "accessory use," as defined in Section 53.020, shall be subject to all the provisions of Section 53.047
- g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.
- h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.
- i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining "rear yard area" for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.
- j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the

minimum side yard setback requirements of the district as applied to the primary structure.

- k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.
- l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.
- m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.
- n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.049. Reserved

Section 53.050. “A2” Fifteen Thousand Square Foot Residence District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the “A2” Fifteen Thousand Square Foot Residence District.

Section 53.051. “A2” Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

- a. Single-family dwellings.
- b. Parks, playgrounds, and community buildings owned, or operated by a public agency.
- c. Public libraries.
- d. Educational facility, elementary or secondary
- e. Golf Courses, except miniature courses and driving tees.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

- a. Any public building erected and used by any department of the City, County, State or Federal Government.
- b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.055 for development standards for this use.)
- c. Cemetery.
- d. Churches.
- e. Community building or recreation field.
- f. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- g. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- h. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.
- i. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.056 for development standards for this use.)
- j. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- k. Accessory Use parking areas. (*See Section 53.057 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

- a. Residential structures and garages (*See Section 53.058 for development standards for this use.)

Section 53.052. “A2” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.053. "A2" Dimensional Regulations.**a. Height**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
2. For additions to existing structures, if the pre-construction differential between the highest and lower grade elevation around the perimeter of the structure exceeds eight (8) vertical feet, then the allowable height of exposure can be increased by two (2) feet and the basement will not be counted as a story in the height regulations.
3. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.
4. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.
5. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located. (Ord. No. 8967, §1, 6-20-2017)

b. Front Yard Setback.

1. Lots that have been legally platted with an established front yard setback shall follow the recorded setback.
2. For lots that have no recorded front yard setback and are located on a block occupied with two (2) or more buildings, then the minimum front yard setback shall be established in the following manner:
 - A. If the lot or the existing building in question is located within one hundred (100) feet of a building on either side, the depth of the front yard for that lot or existing building shall be the average of the front yard setbacks of these two adjacent buildings. If the average creates a setback that is more than twenty-five (25) percent of the depth of the lot in question, the setback will be established by the adjacent building located closest to the right of way; or

- B. When a lot or existing building is within one hundred (100) feet of an existing building on one side only, then the front yard setback is the same as the front yard setback of the adjacent building; or
- C. When neither paragraphs A. or B. above are the case, the front yard setback shall be thirty (30) feet; or
- D. Except as set forth in subsection f. (Uses allowed by Conditional Use Permit) below, setbacks can be established through the Conditional Use Permit process.

3. Where lots have a double frontage, the required front yard setback shall be provided on both streets.

4. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a setback of not less than six (6) feet. No accessory building shall project beyond the front yard setback on either street.

5. A dwelling that existed as of September 20, 1965 may be enlarged, provided the proposed addition does not extend into any required front yard setback a distance greater than the original dwelling structure.

6. An open unenclosed porch or paved terrace may project into a required front yard setback for a distance not exceeding ten (10) feet. For structures existing as of September 20, 1956, the ten (10) feet shall be measured from the original dwelling structure.

c. Side Yard Setback. The minimum side yard setback shall be established in the following manner:

1. There shall be a side yard on each side of the building having a width of not less than ten (10) feet; or

2. Residential structures existing as of September 20, 1956 which are closer to the side property line than ten (10) feet may be enlarged, provided any addition is no closer to the side property line than twelve (12%) percent of the lot width at the front yard setback.

d. Rear Yard Setback. Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed forty (40) feet but it shall not be less than thirty (30) feet.

e. Intensity of Use. Every lot or tract of land shall have an area of not less than fifteen thousand (15,000) square feet, a width at the front yard setback of not less than eighty (80) feet, and an average width of not less than eighty (80) feet, except that if a lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of

Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than herein required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the, applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots:

1. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any combination of husband and/or wife shall be deemed the same ownership.
2. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

f. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards setbacks as approved for the specific development of a conditional use, as prescribed in 53.170.

g. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) for a single-family detached residence shall not exceed:

- A. For lots 7,500 square feet or less in area, 0.35 or 2,600 square feet, whichever is greater;
- B. For lots greater than 7,500 square feet but less than 10,000 square feet, 0.32 or 2,800 square feet, whichever is greater;
- C. For lots 10,000 square feet or greater but less than 20,000 square feet, 0.30 or 3,200 square feet, whichever is greater;
- D. For lots 20,000 square feet or greater in area, 0.25 or 6,000 square feet, whichever is greater;

2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwellings existing or for which a permit has been issued, within one hundred fifty (150) feet of the proposed site in respect to one or more of the following features:

- A. Gross Floor Area
- B. Height of building or height of roof

C. Front elevation building width or percentage of lot width occupied by the building

D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

h. Yard Projections

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground shall have a setback of three (3) feet from the adjacent side lot lines.
3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

i. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall have a setback of five (5) feet from a side or rear property line.

j. Open Space

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings

(Ord. No. 8967, §1, 6-20-2017)

Section .53.054. Development Standards for Short Term Rentals

The purpose of this section is to establish standards for short term rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Webster Groves by minimizing negative secondary affects related to short term rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.

a. Type One Short Term Rental: Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170. et seq. and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

1. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.
3. The maximum number of guests at any one time may not exceed eight (8) but in no event may be residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.
4. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.
5. The B&B facility shall provide off street parking in a garage or surface spaces in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.
6. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food preparation capabilities shall be provided in the guest rooms.
7. The B&B facility shall appear at all times as a single family residence.

8. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The B&B facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.
10. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:
 - a. The sign area shall not exceed three (3) square feet;
 - b. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;
 - c. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;
 - d. The sign must be designed and constructed of materials consistent with the design and materials of the house;
 - e. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and
 - f. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

b. Type Two Short Term Rental

Type Two Short Term Rentals shall be permitted upon meeting the conditions below, and the issuance of a business license as provide in the Code. To protect the residential districts in which they are located, the Short Term Rental permit shall be revocable upon failure to abide by the conditions of the permit.

1. No more than two (2) rooms of the residence shall be used for the short term rental guest use.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the short term rental location as his/her permanent residence and shall reside on the premises at all times that a short term rental guest is registered.
3. The maximum number of guests at any one time may not exceed four (4) but in no event may the residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.

4. Short term rentals guests may not remain longer than fourteen (14) consecutive days, nor may it the same guest reside within the facility more than a total of thirty (30) days per calendar year.
5. The Short Term Rental facility shall provide off street parking in a garage or surface spaces in a rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/operator.
6. No food preparation capabilities shall be provided in the guest rooms.
7. The Short Term Rental facility shall appear at all times as a single family residence and no identification signage of any kind shall be located on the premises.
8. The Short Term Rental facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The Short Term Rental facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

c. Short Term Rental Notification Requirements

1. A packet of information with each Short Term Rental Permit will be provided upon approval of the permitted location. The packet will include the following:
 - a. The name and contact information of the responsible contact designated in the application;
 - b. Occupancy limits applicable to the property;
 - c. Restrictions on noise applicable under the City's housing code, including limitations on the use of amplified sound;
 - d. Parking restrictions;
 - e. Trash collection schedule;
 - f. Information on applicable requirements of the Americans with Disabilities Act;
 - g. Other guidelines and requirements applicable to Short Term Rental uses.
2. The owner or operator of the Short Term Rental must provide renters a copy of the information listed in Section c.1. above and post the packet conspicuously in the rental rooms.
3. The City of Webster Groves shall mail notice of the contact information for the responsible contact for all properties within three hundred (300) feet of the Short Term Rental use at the owner or operator's expense.

(Ord. No. 8981, §1, 5-2-2017)

Section 53.055. Development Standards for Hospitals; Clinics and Institutions

Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;
2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;
3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and
4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.056. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.
- b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district. This regulation does not apply to properties within the boundaries of a business district or those properties partially zoned "C" or "D" commercial districts. (Ord. No. 8910, § 1, 11-3-2015)
- c. No signage is permitted for property within a residential district.
- d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.
- e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.057. Development Standards for Accessory Parking Lots

- a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

- b. Permit no parking within six (6) feet of the rear or side lot line(s);
- c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;
- d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;
- e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and
- f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.058. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.
- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.057

- g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.
- h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.
- i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining "rear yard area" for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.
- j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.
- k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.
- l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.
- m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.
- n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is

entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.059. Reserved

Section 53.060. “A3” Ten Thousand Square Foot Residence District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the “A3” Ten Thousand Square Foot Residence District.

Section 53.061. “A3” Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

- a. Single-family dwellings.
- b. Parks, playgrounds, and community buildings owned, or operated by a public agency.
- c. Public libraries.
- d. Educational facility, elementary or secondary
- e. Golf Courses, except miniature courses and driving tees.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

- a. Any public building erected and used by any department of the City, County, State or Federal Government.
- b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.065 for development standards for this use.)
- c. Cemetery.
- d. Churches.
- e. Community building or recreation field.

- f. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- g. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- h. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.
- i. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.066 for development standards for this use.)
- j. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- k. Accessory Use parking areas. (*See Section 53.067 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

- a. Residential structures and garages (*See Section 53.068 for development standards for this use.)

Section 53.062. “A3” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.063. “A3” Dimensional Regulations.

- a. **Height**
 - 1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
 - 2. For additions to existing structures, if the pre-construction differential between the highest and lower grade elevation around the perimeter of the structure exceeds eight (8) vertical feet, then the allowable height of exposure can be increased by two (2) feet and the basement will not be counted as a story in the height regulations.
 - 3. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.

4. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.
5. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. Front Yard Setback.

1. Lots that have been legally platted with an established front yard setback shall follow the recorded setback.
2. For lots that have no recorded front yard setback and are located on a block occupied with two (2) or more buildings, then the minimum front yard setback shall be established in the following manner:
 - A. If the lot or the existing building in question is located within one hundred (100) feet of a building on either side, the depth of the front yard for that lot or existing building shall be the average of the front yard setbacks of these two adjacent buildings. If the average creates a setback that is more than twenty-five (25) percent of the depth of the lot in question, the setback will be established by the adjacent building located closest to the right of way; or
 - B. When a lot or existing building is within one hundred (100) feet of an existing building on one side only, then the front yard setback is the same as the front yard setback of the adjacent building; or
 - C. When neither paragraphs A. or B. above are the case, the front yard setback shall be thirty (30) feet; or
 - D. Except as set forth in subsection f. (Uses allowed by Conditional Use Permit) below, setbacks can be established through the Conditional Use Permit process.
3. Where lots have a double frontage, the required front yard setback shall be provided on both streets.
4. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a setback of not less than six (6) feet. No accessory building shall project beyond the front yard setback on either street.

5. A dwelling that existed as of September 20, 1956 may be enlarged, provided the proposed addition does not extend into any required front yard setback a distance greater than the original dwelling structure.
6. An open unenclosed porch or paved terrace may project into a required front yard setback for a distance not exceeding ten (10) feet. For structures existing as of September 20, 1956, the ten (10) feet shall be measured from the original dwelling structure.

c. Side Yard Setback.

The minimum side yard setback shall be established in the following manner:

1. There shall be a side yard on each side of the building having a width of not less than eight (8) feet for residential structures and ten (10) feet for nonresidential structures; or
2. Residential structures existing as of September 20, 1956 which are closer to the side property line than eight (8) feet may be enlarged, provided any addition is no closer to the side property line than twelve (12%) percent of the lot width at the front yard setback.

d. Rear Yard Setback. Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed forty (40) feet but it shall not be less than thirty (30) feet.

e. Intensity of Use.

Every lot shall have an area of not less than ten thousand (10,000) square feet, a width at the front yard setback of not less than seventy (70)feet, and an average width of not less than seventy (70) feet, except that if a lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than herein required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the, applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots:

1. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any combination of husband and/or wife shall be deemed the same ownership.
2. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.

f. Uses allowed by Conditional Use Permit Uses allowed by Conditional Use Permit shall have front, side, and rear yards setbacks as approved for the specific development of a conditional use, as prescribed in Section 53.170.

g. Lot Coverage.

1. A maximum Floor Area Ratio (FAR) for a single-family detached residence shall not exceed:

A. For lots 7,500 square feet or less in area, 0.35 or 2,600 square feet, whichever is greater;

B. For lots greater than 7,500 square feet but less than 10,000 square feet, 0.32 or 2,800 square feet, whichever is greater;

C. For lots 10,000 square feet or greater but less than 20,000 square feet, 0.30 or 3,200 square feet, whichever is greater;

D. For lots 20,000 square feet or greater in area, 0.25 or 6,000 square feet, whichever is greater;

2. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

3. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwellings existing or for which a permit has been issued, within one hundred fifty (150) feet of the proposed site in respect to one or more of the following features:

A. Gross Floor Area

B. Height of building or height of roof

C. Front elevation building width or percentage of lot width occupied by the building

D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

h. Yard Projections

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground shall have a setback of three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

i. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall have a setback of five (5) feet from a side or rear property line.

j. Open Space

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

(Ord. No. 8967, §1, 6-20-2017)

Section 53.064. Development Standards for Short Term Rentals

The purpose of this section is to establish standards for short term rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Webster Groves by minimizing negative secondary affects related to short term rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.

a. Type One Short Term Rental: Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170 and the issuance of a business

license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

1. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.
3. The maximum number of guests at any one time may not exceed eight (8) but in no event may the residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.
4. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.
5. The B&B facility shall provide off street parking in a garage or surface spaces in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.
6. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food preparation capabilities shall be provided in the guest rooms.
7. The B&B facility shall appear at all times as a single family residence.
8. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The B&B facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.
10. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:
 - a. The sign area shall not exceed three (3) square feet;

- b. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;
- c. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;
- d. The sign must be designed and constructed of materials consistent with the design and materials of the house;
- e. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and
- f. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

b. Type Two Short Term Rental

- 1. Type Two Short Term Rentals shall be permitted upon meeting the conditions below, and the issuance of a business license as provide in the Code. To protect the residential districts in which they are located, the Short Term Rental permit shall be revocable upon failure to abide by the conditions of the permit.
- 2. No more than two (2) rooms of the residence shall be used for the short-term rental guest use.
- 3. The owner of the residence to whom an occupancy permit has been issued shall maintain the short-term rental location as his/her permanent residence and shall reside on the premises at all times that a short-term rental guest is registered.
- 4. The maximum number of guests at any one time may not exceed four (4) but in no event may the residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.
- 5. Short term rentals guests may not remain longer than fourteen (14) consecutive days, nor may it the same guest reside within the facility more than a total of thirty (30) days per calendar year.
- 6. The Short Term Rental facility shall provide off street parking in a garage or surface spaces in a rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/operator.
- 7. No food preparation capabilities shall be provided in the guest rooms.
- 8. The Short Term Rental facility shall appear at all times as a single-family residence and no identification signage of any kind shall be located on the premises.

9. The Short Term Rental facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
10. The Short Term Rental facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

c. Short Term Rental Notification Requirements

1. A packet of information with each Short Term Rental Permit will be provided upon approval of the permitted location. The packet will include the following:
 - a. The name and contact information of the responsible contact designated in the application;
 - b. Occupancy limits applicable to the property;
 - c. Restrictions on noise applicable under the City's housing code, including limitations on the use of amplified sound;
 - d. Parking restrictions;
 - e. Trash collection schedule;
 - f. Information on applicable requirements of the Americans with Disabilities Act;
 - g. Other guidelines and requirements applicable to Short Term Rental uses.
2. The owner or operator of the Short Term Rental must provide renters a copy of the information listed in Section c.1. above and post the packet conspicuously in the rental rooms.
3. The City of Webster Groves shall mail notice of the contact information for the responsible contact for all properties within three hundred (300) feet of the Short Term Rental use at the owner or operator's expense.

(Ord. No. 8981, §1, 5-2-2017)

Section 53.065. Development Standards for Hospitals; Clinics and Institutions

Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;
2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;
3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and

4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.066. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.
- b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district. This regulation does not apply to properties within the boundaries of a business district or those properties partially zoned "C" or "D" commercial districts. (Ord. No. 8910, § 1, 11-3-2015)
- c. No signage is permitted for property within a residential district.
- d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.
- e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.067. Development Standards for Accessory Parking Lots

- a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.
- b. Permit no parking within six (6) feet of the rear or side lot line(s);
- c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;
- d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;
- e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and
- f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.068. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.
- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an "accessory use," as defined in Section 53.020, shall be subject to all the provisions of Section 53.067
- g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.
- h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory

building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.

- i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining "rear yard area" for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.
- j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.
- k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.
- l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.
- m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.
- n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.069. Reserved

Section 53.070. "A4" Seventy Five Hundred Square Foot Residence District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the "A4" Seventy Five Hundred Square Foot Residence District.

Section 53.071. "A4" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

- a. Single-family dwellings.
- b. Parks, playgrounds, and community buildings owned, or operated by a public agency.
- c. Public libraries.
- d. Educational facility, elementary or secondary
- e. Golf Courses, except miniature courses and driving tees.
- f. Two family dwellings which comply with the minimum lot area per family, yard and parking regulations of the "A4" Seventy-Five Hundred Square Foot Residence District where forty percent (40%) or more of the frontage on the same side of the street between two (2) intersecting streets is occupied by either two-family or multiple dwellings.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

- a. Any public building erected and used by any department of the City, County, State or Federal Government.
- b. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.075 for development standards for this use.)
- c. Cemetery.
- d. Churches.
- e. Community building or recreation field.
- f. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- g. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- h. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.
- i. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.076 for development standards for this use.)

- j. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- k. Accessory Use parking areas. (*See Section 53.077 for development standards for this use.)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

- a. Residential structures and garages (*See Section 53.078 for development standards for this use.)

Section 53.072. “A4” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.073. “A4” Dimensional Regulations.

a. **Height.**

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
2. For additions to existing structures, if the pre-construction differential between the highest and lower grade elevation around the perimeter of the structure exceeds eight (8) vertical feet, then the allowable height of exposure can be increased by two (2) feet and the basement will not be counted as a story in the height regulations.
3. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.
4. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.
5. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard Setback.**

1. Lots that have been legally platted with an established front yard setback shall follow the recorded setback.
 2. For lots that have no recorded front yard setback and are located on a block occupied with two (2) or more buildings, then the minimum front yard setback shall be established in the following manner:
 - A. If the lot or the existing building in question is located within one hundred (100) feet of a building on either side, the depth of the front yard for that lot or existing building shall be the average of the front yard setbacks of these two adjacent buildings. If the average creates a setback that is more than twenty-five (25) percent of the depth of the lot in question, the setback will be established by the adjacent building located closest to the right of way; or
 - B. When a lot or existing building is within one hundred (100) feet of an existing building on one side only, then the front yard setback is the same as the front yard setback of the adjacent building; or
 - C. When neither paragraphs A. or B. above are the case, the front yard setback shall be thirty (30) feet; or
 - D. Except as set forth in subsection f. (Uses allowed by Conditional Use Permit) below, setbacks can be established through the Conditional Use Permit process.
 3. Where lots have a double frontage, the required front yard setback shall be provided on both streets.
 4. Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than twenty-eight (28) feet, except where necessary to provide a yard along the side street with a setback of not less than six (6) feet. No accessory building shall project beyond the front yard setback on either street.
 5. A dwelling that existed as of September 20, 1956 may be enlarged, provided the proposed addition does not extend into any required front yard setback a distance greater than the original dwelling structure.
 6. An open unenclosed porch or paved terrace may project into a required front yard setback for a distance not exceeding ten (10) feet. For structures existing as of September 20, 1956, the ten (10) feet shall be measured from the original dwelling structure.
- c. **Side Yard Setback.** The minimum side yard setback shall be established in the following manner:

1. There shall be a side yard on each side of the building having a width of not less than six (6) feet for residential structures and ten (10) feet for nonresidential structures; or
 2. Residential structures existing as of September 20, 1956 which are closer to the side property line than six (6) feet may be enlarged, provided any addition is no closer to the side property line than ten (10%) percent of the lot width at the front yard setback.
 3. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot.
- f. **Rear Yard Setback.** Except as hereinafter provided in Section 53.170 et seq., there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed thirty-five (35) feet, but shall not be less than twenty-five (25) feet.
- g. **Intensity of Use.** Every lot or tract of land shall have an area of not less than seven thousand five hundred (7,500) square feet, a width at the front yard setback of not less than sixty (60) feet, and an average width of not less than sixty (60) feet, and contain the following areas:
1. Seven thousand five hundred (7,500) square feet for a single-family dwelling.
 2. Three thousand seven hundred fifty (3,750) square feet per family for a two family dwelling.
 3. Where the lot or tract of record has less area or width than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of Ordinance 5906, such lot or tract of land may be used for a single family dwelling. Provided, however, that any lot of record of less area or width than required which does not fall within the exception hereinabove provided in this paragraph, but which conforms in both area and width with at least seventy-five percent (75%) of all the lots, including the lot or lots in issue, on both sides of the street in the same block, may be used for a single family dwelling. In determining the applicability of this exception, the following rules shall govern the calculation of the area, width and number of lots.
 - A. All contiguous lots or portions of lots under the same ownership shall be deemed one lot and contiguous lots or portions thereof held by any combination of husband and/or wife shall be deemed the same ownership.
 - B. Where the distance between street crossings or street intersections is greater on one side of a street than on the other side, the distance on the short side shall be deemed a block.
- h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards setbacks as approved for the specific development of a conditional use, as prescribed in Section 53.170.

i. **Lot Coverage.**

1. A maximum Floor Area Ratio (FAR) for a single-family detached residence shall not exceed:

A. For lots 7,500 square feet or less in area, 0.35 or 2,600 square feet, whichever is greater;

B. For lots greater than 7,500 square feet but less than 10,000 square feet, 0.32 or 2,800 square feet, whichever is greater;

C. For lots 10,000 square feet or greater but less than 20,000 square feet, 0.30 or 3,200 square feet, whichever is greater;

D. For lots 20,000 square feet or greater in area, 0.25 or 6,000 square feet, whichever is greater;

1. Total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.

2. The Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwellings existing or for which a permit has been issued, within one hundred fifty (150) feet of the proposed site in respect to one or more of the following features:

A. Gross Floor Area

B. Height of building or height of roof

C. Front elevation building width or percentage of lot width occupied by the building

D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

j. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.

2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground shall have a setback of three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

k. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.

2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall have a setback of five (5) feet from a side or rear property line.

l. Open Space

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.074. Development Standards for Short Term Rentals

The purpose of this section is to establish standards for short term rentals in order to safeguard the peace, safety and general welfare of neighborhoods within the City of Webster Groves by minimizing negative secondary affects related to short term rentals including excessive noise, disorderly conduct, illegal parking, overcrowding, and excessive accumulation of refuse.

a. Type One Short Term Rental: Bed and Breakfast Facilities

Bed and Breakfast facilities, shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170. et seq. and the issuance of a business license as provided in the Code. In making their determination whether or not approval of the application will have a detrimental effect upon the character of the neighborhood, the Plan Commission and City Council shall specifically consider the proximity of other Bed and Breakfast facilities to the applicant's proposed location and the detrimental effect two or more such facilities in close proximity to each other could have upon the residential character of the neighborhood. To protect these residential districts, the conditional use permit shall be revocable upon failure to abide by the conditions of the permit.

1. No less than fifty percent (50%) of the habitable space of the residence shall be for the exclusive use of the resident owner.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the B&B facility as his permanent residence and shall reside on the premises at all times that a B&B guest is registered.
3. The maximum number of guests at any one time may not exceed eight (8) but in no event may the residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.
4. A B&B facility may not permit a guest to remain longer than fourteen (14) consecutive days, nor may it permit the same guest to reside within the facility more than a total of thirty (30) days per calendar year.
5. The B&B facility shall provide off street parking in a garage or surface spaces in the rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/manager. While the ratios may be adjusted at the time the conditional use is issued, the B&B facility must comply with the design and performance standards found in Section 53.170 et seq., particularly as they relate to parking.
6. The B&B facility may provide meals only to its guests and under no circumstances to members of the general public. No food preparation capabilities shall be provided in the guest rooms.
7. The B&B facility shall appear at all times as a single family residence.
8. The B&B facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The B&B facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.
10. A Bed and Breakfast may place one, and only one, identification sign on its premises so long as it meets the following conditions:
 1. The sign area shall not exceed three (3) square feet;
 2. If illuminated, the light source must be external and provided by a light no greater in intensity than provided by one standard 50-watt electric light bulb;
 3. The top of the sign may be no more than three (3) feet above grade, except if attached to the front of the Bed and Breakfast;
 4. The sign must be designed and constructed of materials consistent with the design and materials of the house;

5. The owner of the Bed and Breakfast must obtain a permit in accordance with the provisions of Section 54.040 of the Code, as amended; and
6. The definitions contained in Chapter 54 of the Code as amended, shall govern all applications for a Bed and Breakfast identification sign.

b. Type Two Short Term Rental

Type Two Short Term Rentals shall be permitted upon meeting the conditions below, and the issuance of a business license as provide in the Code. To protect the residential districts in which they are located, the Short Term Rental permit shall be revocable upon failure to abide by the conditions of the permit.

1. No more than two (2) rooms of the residence shall be used for the short term rental guest use.
2. The owner of the residence to whom an occupancy permit has been issued shall maintain the short term rental location as his/her permanent residence and shall reside on the premises at all times that a short term rental guest is registered.
3. The maximum number of guests at any one time may not exceed four (4) but in no event may the residence be utilized for a number of individuals in excess of that number permitted by the applicable housing code provisions of the City of Webster Groves.
4. Short term rentals guests may not remain longer than fourteen (14) consecutive days, nor may it the same guest reside within the facility more than a total of thirty (30) days per calendar year.
5. The Short Term Rental facility shall provide off street parking in a garage or surface spaces in a rear or side yard in the ratio of one (1) space per guest room plus one (1) space for the owner/operator.
6. No food preparation capabilities shall be provided in the guest rooms.
7. The Short Term Rental facility shall appear at all times as a single family residence and no identification signage of any kind shall be located on the premises.
8. The Short Term Rental facility must not generate activity or noise inimical to the character of a residential district nor permit it to fall below the standards of the City's housing code.
9. The Short Term Rental facility shall be required to be inspected annually for an occupancy permit, such inspection to be performed by the City with fee additional to that charged for the annual business license.

c. Short Term Rental Notification Requirements

1. A packet of information with each Short Term Rental Permit will be provided upon approval of the permitted location. The packet will include the following:
 - a. The name and contact information of the responsible contact designated in the application.
 - b. Occupancy limits applicable to the property;
 - c. Restrictions on noise applicable under the City's housing code, including limitations on the use of amplified sound;
 - d. Parking restrictions;
 - e. Trash collection schedule;
 - f. Information on applicable requirements of the Americans with Disabilities Act;
 - g. Other guidelines and requirements applicable to Short Term Rental uses.
2. The owner or operator of the Short Term Rental must provide renters a copy of the information listed in Section c.1. above and post the packet conspicuously in the rental rooms.
3. The City of Webster Groves shall mail notice of the contact information for the responsible contact for all properties within three hundred (300) feet of the Short Term Rental use at the owner or operator's expense.

(Ord. No. 8981, §1, 5-2-2017)

Section 53.075. Development Standards for Hospitals; Clinics and Institutions

Hospitals, Clinics and Institutions

1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;
2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;
3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and
4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.076. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.
- b. No new adult or child day care home or center shall be established within a residential district if it is within one thousand two hundred (1,200) feet of an existing child or adult day care home or center that is also located within a residential district. This regulation does not apply to properties within the boundaries of a business district or those properties partially zoned "C" or "D" commercial districts. (Ord. No. 8910, § 1, 11-3-2015)
- c. No signage is permitted for property within a residential district.
- d. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.
- e. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. for property within a residential district.

Section 53.077. Development Standards for Accessory Parking Lots

- a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.
- b. Permit no parking within six (6) feet of the rear or side lot line(s);
- c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;
- d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;
- e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and
- f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.078. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.
- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an "accessory use," as defined in Section 53.020, shall be subject to all the provisions of Section 53.077
- g. One detached Private Garage with a ground floor area of up to forty percent (40%) of the gross floor area of the primary structure is allowed. Notwithstanding the size of the primary structure, the ground floor area of a garage may be up to four hundred eighty (480) square feet, but shall not exceed nine hundred sixty (960) square feet. The height of a private garage to its ridge line may not be greater than the ridge line of the primary structure or one and one-half (1 1/2) stories, whichever is less. The floor area of any half story may not exceed fifty percent (50%) of the private garage ground floor area. One Private Garage attached to, and part of, the primary structure, not exceeding one thousand (1,000) square feet as measured by interior dimensions, is allowed subject to all building and setback requirements of the primary structure.
- h. In addition to one detached private garage, one additional detached accessory building may be built in the rear yard with a ground floor area of up to twelve percent (12%) of the gross floor area of the primary structure. Notwithstanding the size of the primary structure, the ground floor area of such an accessory

building may be up to one hundred forty-four (144) square feet, but shall not exceed two hundred eighty-eight (288) square feet. The height of the accessory building to its ridge line may not be greater than the ridge line of the primary structure or one (1) story, whichever is less.

- i. The total gross floor area of all detached accessory buildings shall not exceed one thousand (1,000) gross square feet, and the total ground square footage of all accessory structures shall not exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller. In determining "rear yard area" for the accessory buildings, the area shall be the yard that falls between the side yard lot lines between the rear of the primary structure and the rear yard lot line.
- j. Any detached accessory building with a gross floor area exceeding six hundred seventy-two (672) square feet or with a building height, as defined in Section 53.020 of the Zoning Code, exceeding twelve (12) feet shall comply with the minimum side yard setback requirements of the district as applied to the primary structure.
- k. No accessory building in excess of one hundred forty-four (144) square feet may have metal exterior walls, with the exception of siding that matches that of the primary structure.
- l. Lots exceeding an average width of one hundred (100) feet may be granted an additional twenty-five percent (25%) increase to what is otherwise allowed herein, but in no case shall the total ground square footage of all accessory structures exceed thirty percent (30%) of the rear yard area or twelve percent (12%) of the lot area, whichever is smaller.
- m. All metered utility services for any accessory building shall be provided from the primary structure and shall not be separately metered.
- n. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.079. Reserved.

(Ord. No. 8851, 1-6-2015)

ARTICLE IV: Commercial & Industrial Districts**Section 53.110. “C” Commercial District Regulations.**

The regulations set forth in this section, or set forth elsewhere in this Zoning Code when referred to in this section, are the regulations in the “C” Commercial District.

Section 53.111. “C” Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

- a. Any use permitted in the “A4” Seventy Five Hundred Square Foot Residence District. (*See section 53.070 et seq. for development standards for these uses.)
- b. Amusement Place.
- c. Bakery, whose products are sold only at retail on the premises.
- d. Bank.
- e. Barber Shop.
- f. Battery service station.
- g. Bicycle sales and repair shop.
- h. Boarding and lodging house.
- i. Business and commercial school.
- j. Catering establishment.
- k. Dancing academy.
- l. Dressmaking establishment (employing not more than five (5) persons).
- m. Dyeing and dry cleaning works having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour.
- n. Electric radio and television repair shops.
- o. Food storage lockers.
- p. Hospital and clinic.
- q. Key Shop.

- r. Laundry having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour.
- s. Locksmith shop.
- t. Lodge hall.
- u. Messenger or telegraph service station.
- v. Millinery shop.
- w. Office for the conduct of any lawful business or professional pursuit.
- x. Painting and decorating shop.
- y. Photograph Gallery.
- z. Plumbing shop employing not more than five (5) persons on the premises.
- aa. Post Office.
- bb. Recreation building or structure.
- cc. Restaurant.
- dd. Sales or showroom.
- ee. Sexually Oriented Businesses in compliance with provisions of Section 53.191
- ff. Store or shop for the conduct of a retail business.
- gg. Shoe repair shop.
- hh. Sheet metal shop.
- ii. Studio parlor.
- jj. Tailor shop.
- kk. Tire repair shop.
- ll. Undertaking establishment.
- mm. Upholstering shop, not employing more than five (5) persons on the premises, and not involving any furniture manufacturing.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

- a. Accessory Use parking areas. (*See Section 53.117 for development standards for this use.)

- b. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- c. Any public building erected and used by any department of the City, County, State or Federal Government.
- d. Cemetery.
- e. Churches.
- f. Community building or recreation field.
- g. Convenience store with gasoline.
- h. Drinking Establishments (*See Section 53.119 for development standards for this use) (Ord. No. 8971, §1, 2-21-2017)
- i. Drive-in establishments, such as drive-in confectioners, restaurants, theaters and retail establishments.
- j. Educational facility, colleges and universities. (*See Section 53.114 for development standards for this use.)
- k. Fruit stands.
- l. Gasoline and oil filling stations.
- m. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.115 for development standards for this use.)
- n. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- o. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.116 for development standards for this use.)
- p. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.
- q. Pawn Shops (*See section 53.192 for development standards for this use.)
- r. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- s. Public garages.
- t. Residential or outpatient facilities for the treatment of alcohol and other drug abuse.

- u. Small Loan Business (*See section 53.192 for development standards for this use.)
- v. Tattoo or Body Piercing Establishments (*See section 53.192 for development standards for this use.)
- w. Used car lots.
- x. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions. (see Sections 53.221 et seq for the requirements for this use)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

Any building used primarily for any of the above enumerated purposes may not have more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided that no more than five (5) employees shall be engaged at any time on the premises in any such incidental use.

Section 53.112. “C” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.113. “C” Dimensional Regulations.

a. Height

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.
3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.
4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional

building height above the height limit otherwise provided in the district in which the building is located.

b. **Front Yard.**

1. There shall be a front yard having a depth of not less than twenty-five (25) feet except as provided in the Alternate Front Yard below.
2. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.
3. Where lots have a double frontage, the required front yard shall be provided on both streets.
4. Where a lot is located at the intersection of two streets, the front yard on the side street side of the lot shall be not less than ten (10) feet.

c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.
2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.
3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. (Uses allowed by Conditional use Permit) below.
4. In the application of Paragraphs (1.), (2.), or (3.), a depth in excess of thirty seven and one half (37.5) feet shall not be required, except as set forth in subsection h. (Uses allowed by Conditional Use Permit) below.
5. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.**

1. For residential purposes, there shall be a side yard on each side of the building having a width of not less than six (6) feet for residential structures and ten (10) feet for nonresidential structures, except as provided in the Alternate Side Yard below for lots having existing structures upon them as of June 10, 1997.
 2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot.
 3. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. If a side yard is provided where not required, it shall be not less than five (5) feet in width.
 4. No side yards are required where dwelling units are erected above commercial and industrial structures.
- e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:
1. Ten (10%) percent of lot width at the front building line; and
 2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.
- f. **Rear Yard.** For residential purposes, there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, provided such rear yard need not exceed thirty-five (35) feet, but shall not be less than twenty-five (25) feet. For all permitted non-residential uses, there shall be a rear yard having a depth of not less than twenty-five (25) feet.
- g. **Intensity of Use.** All dwellings erected, enlarged, relocated or reconstructed shall be located upon lots having a minimum average width of fifty (50) feet and containing the following areas:
1. A lot on which there is erected a single family dwelling shall contain an area of not less than five thousand (5,000) square feet per family.
 2. A lot on which there is located a two family dwelling shall contain an area of not less than two thousand five hundred (2,500) square feet per family.
 3. Where a lot, or tract of record, has less area than herein required and its boundary lines along their entire length touched lands under other ownership on or after September 20, 1956, such lot or tract may be used for a single family dwelling.

- h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.
- i. **Yard Projections**
1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
 2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.
 3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.
- j. **Retaining Walls**
1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
 2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.
- k. **Open Space**
1. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when such buildings conform to all open space requirements for the district in which the lot or tract is located.
 2. Where an open space is more than fifty percent (50%) surrounded by building, the minimum width of the open space shall be at least thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.
 3. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty

(30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.114. “C” Performance Standards

- a. **Production Employees in a Commercial District** Whenever the number of employees is restricted in connection with any use in the “C” Commercial District, such maximum number applies only to employees engaged in processing or treating materials or products on the premises and not to employees engaged in selling, clerical, delivery or similar activities.

Section 53.115. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

- a. Educational Facilities, Colleges and Universities
 - 1. Reserved
- b. Hospitals, Clinics and Institutions
 - 1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;
 - 2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;
 - 3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and
 - 4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.116. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located.
- b. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

Section 53.117. Development Standards for Accessory Parking Lots

- a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established

front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.

- b. Permit no parking within six (6) feet of the rear or side lot line(s);
- c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;
- d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;
- e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and
- f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.118. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.
- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building

shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.117

- g. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.119. Development Standards for Drinking Establishments.

- a. The areas for sale and consumption of alcoholic beverages shall be limited to and conform to a submitted plan identifying the areas within the interior and/or exterior of the property.
- b. The original plan shall not be amended to add additional areas for alcoholic beverages without approval of an amended Conditional Use Permit.
- c. Hours of Operation: Hours for the sale and consumption of alcohol should be established with the Conditional Use Permit and not expanded beyond the limitation of hours specified by the State of Missouri.
- d. The illumination of parking areas, walkways, signs and other structures in association with this use shall be arranged so that no light is directed or cast upon residential properties. A footcandle level of zero shall be maintained at the property line.
- e. Noise in association with this use shall not exceed fifty-five (55) decibels at any point on the lot line of the lot.

(Ord. No. 8971, §1, 2-21-2017)

53.130. “C1” Commercial District Regulations.

The “C1” District shall encompass and be comprised of the following “C” and “D” Commercial District areas, and made a part of the District Map:

All those “C” and “D” Commercial areas facing on U.S. Highway 66, Lockwood Avenue, Gore Avenue, Big Bend Boulevard between Gray Avenue and Newport Avenue, Laclede Station Road, South Old Orchard Avenue between Big Bend Boulevard and Garden Avenue, or Brentwood Blvd. between Newport Avenue and the north City limits.

The regulations herein shall be the same as those in the “C” Commercial District, except as follows.

Section 53.131. "C1" Dimensional Regulations.

No building shall exceed three (3) stories, nor shall it exceed forty-five (45) feet in height; except as provided in the "C" Dimensional Regulations; except buildings may exceed three (3) stories in height, if the building conforms to the following requirements:

- a. The lot coverage shall not be less than seventeen percent (17%) and shall not exceed thirty percent (30%);
- b. The ratio of the floor area of the building to the area of the lot shall not exceed (1.5). The floor area shall be the gross horizontal area of the several floors, including basements, cellars, and penthouses, (but excluding such areas within the building which are used for parking) measured from the exterior walls of the building. The area of the lot shall mean the total area of the site, exclusive of the area occupied by streets.

Section 53.140. "D" Commercial District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code when referred to in this section, are the regulations in the "D" Commercial District.

Section 53.141. "D" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses.

- a. Retail sales and service uses substantially similar to the enumerated permitted uses.
- b. Retail sales, including antiques, appliances, art supplies, bakery goods, books, cameras, candy, cards and gifts, floor covering and draperies, clothing, computer, business equipment and supplies, drugs and cosmetics, fabrics, flowers, food, furniture, furs, garden supplies, guns, hardware, health foods, hobby and craft supplies, household goods, jewelry, lighting and decorating fixtures, luggage, magazines and newspapers, musical instruments and goods, novelties, office supplies, optical items, paints, pets and supplies, radio, sporting goods, television, and other audio and video items, sewing supplies, tobacco, tools, and variety goods.
- c. Personal, family and household services, including appliance repair, barbershop, beauty parlor, bicycle repair, carpeting and drapery cleaning and repair, cleaning and laundry, photography, travel agency, rental agency (except vehicular), shoe repair, tailoring and dressmaking, and upholstery.
- d. Financial institutions, including banks, savings and loans, stockbrokers and title companies.

- e. Offices, including business, general, government, institutional, medical, dental, veterinary, insurance, laboratory, organizational, professional, real estate, testing, and research.
- f. Mortuaries.
- g. Storage. A business premises devoted primarily to any of the above enumerated purposes may not have more than forty percent (40%) of its floor area devoted to storage purposes incidental to such primary use; provided, however, that no more than five employees shall be engaged at any time on the premises in such incidental use; and provided further that such percentage of floor area devoted to storage purposes shall be calculated based only upon those floors of the premises in which the primary use is conducted. In retail uses such primary use shall be deemed to be conducted in all floor area to which the general public is invited.

Conditional Uses. The following uses are permitted under conditions and requirements specified in Section 53.170 et seq.

- a. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- b. Automobile showrooms.
- c. Banquet Facility.
- d. Churches.
- e. Convenience store, with gasoline.
- f. Drinking Establishments (*See Section 53.147 for development standards for this use.) (Ord. No. 8971, §1, 2-21-2017)
- g. Electrical, general, heating and cooling, and plumbing contractors.
- h. Filling stations.
- i. Food and beverage services, including, cafeterias, ice cream parlors, and restaurants.
- j. Motels and establishments offering accommodations to transient overnight guests.
- k. Multiple family residential.
- l. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See section 53.145 for development standards for this use.)
- m. Parking garages.
- n. Parking lots not a part of a permitted use.

- o. Printing establishments.
- p. Recycling Facilities.
- q. Schools and academies, including business, commercial, computer, dancing, day care centers, martial arts, music, trade and vocations, hobbies and avocations.
- r. Theaters.
- s. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions. (see Sections 53.221 et seq for the requirements for this use)

Accessory Uses Subject to compliance with the procedures of this section, accessory uses include the following:

Any building used primarily for any of the above enumerated purposes may not have more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided that no more than five (5) employees shall be engaged at any time on the premises in any such incidental use.

Section 53.142. “D” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.143. “D” Dimensional Regulations.

a. Height.

- 1. No building shall exceed three (3) stories, nor shall it exceed forty-five (45) feet in height, except as provided in the “C1” Commercial District Regulations concerning height.
- 2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.
- 3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.

b. Front Yard. No front yard is required except:

- 1. Where the frontage on one side of a street between two intersecting streets is partly in the “D” Commercial District and partly in a dwelling

district, in which event the front yard regulations of the dwelling district shall apply, and

2. Where a reversed corner lot rears upon a lot zoned for dwelling purposes, the front yard on the side street side shall not be less than ten (10) feet.
- c. **Alternate Front Yard.** When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:
1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the minimum depth of front yard for new buildings in such block, except as set forth in subsection h. below.
 2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection h. below.
 3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection h. below.
 4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.
- d. **Side Yard.**
1. For residential purposes, there shall be a side yard on each side of the building having a width of not less than six (6) feet for residential structures and ten (10) feet for nonresidential structures, except as provided in the Alternate Side Yard below for lots having existing structures upon them as of June 10, 1997.
 2. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. If a side yard is provided where not required, it shall be not less than five (5) feet in width.
 3. No side yards are required where dwelling units are erected above commercial and industrial structures.
- e. **Alternate Side Yard.** Residential structures existing as of the date of this amendment which are closer to the side property line than otherwise allowed in

the single-family residential district in which they are situated may be enlarged, provided any addition is no closer to the side property line than the following:

1. Ten (10%) percent of lot width at the front building line; and
 2. Notwithstanding the foregoing, no person may place an addition closer to any side property line than would have been permitted before the effective date of the enactment of this subsection.
- f. **Rear Yard.** For residential uses, there shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, provided such rear yard need not exceed thirty-five (35) feet, but shall not be less than twenty-five (25) feet. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet in depth for a one story and two story building and twenty (20) feet in depth for a three story building.
- g. **Intensity of Use.** When a lot is improved with a multiple dwelling, or when living quarters are erected above other uses, all such dwellings shall be located upon lots having a minimum average width of fifty (50) feet and containing an area of not less than one thousand five hundred (1,500) square feet per family.
- h. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.
- i. **Yard Projections**
1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
 2. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.
 3. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.
 4. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.
- j. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

k. **Open Space**

1. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when such buildings conform to all open space requirements for the district in which the lot or tract is located.
2. Where an open space is more than fifty percent (50%) surrounded by building, the minimum width of the open space shall be at least thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.
3. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.144. "D" Performance Standards

- a. **Vibration.** Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
- b. **Noise.** Every use shall be so operated that the maximum volume of sound or noise generated does not exceed fifty-five (55) decibels at any point on the lot line of the lot on which the use is located. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
- c. **Odor.** Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located.
- d. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. I on the Ringelmann Chart as published by the United States Bureau of Mines.
- e. **Toxic Gases.** Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.

- f. **Emission of Dirt, Dust, Fly Ash and Other Forms of Particulate Matter.** Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundredths pounds per 1,000 pounds of gases of which amount not to exceed five tenths pounds per 1,000 pounds of gases shall be of such size as to be retained on a 325 mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion device, these standards shall apply to a condition of fifty percent (50%) excess air on the attack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent (50%).
- g. **Air Pollution.** Every form of objectionable odors, smoke, toxic gases, particulate matter such as dirt, dust, fly ash, must be specific low levels of emissions as set forth in Ord. No. 3347 of St. Louis County titled Air Pollution Control Code, Chapter 612.
- h. **Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Radiation Council Standards.
- i. **Operations, Heat and Glare.** Every operation producing intense glare or heat must be enclosed so that they are imperceptible at the lot line without instruments.

Section 53.145. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located; and
- b. Off-street parking be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

Section 53.146. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection

until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street.
- g. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.147. Development Standards for Drinking Establishments.

- a. The areas for sale and consumption of alcoholic beverages shall be limited to and conform to a submitted plan identifying the areas within the interior and/or exterior of the property.
- b. The original plan shall not be amended to add additional areas for alcoholic beverages without approval of an amended Conditional Use Permit.
- c. Hours of Operation: Hours for the sale and consumption of alcohol should be established with the Conditional Use Permit and not expanded beyond the limitation of hours specified by the State of Missouri.
- d. The illumination of parking areas, walkways, signs and other structures in association with this use shall be arranged so that no light is directed or cast upon residential properties. A footcandle level of zero shall be maintained at the property line.
- e. Noise in association with this use shall not exceed fifty-five (55) decibels at any point on the lot line of the lot.

(Ord. No. 8971, §1, 2-21-2017)

Section 53.150. “E” Industrial District Regulations.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code when referred to in this section, are the regulations in the “E” Industrial District.

Section 53.151. "E" Use Regulations.

Permitted, conditional and accessory uses are permitted as follows:

Permitted Uses. A building or premises may be used for any purpose except the following:

- a. Abattoirs.
- b. Acetylene gas manufacture.
- c. Acid Manufacture.
- d. Alcohol manufacture.
- e. Ammonia, bleaching powder or chlorine manufacture.
- f. Arsenal.
- g. Asphalt manufacture or refining.
- h. Auto wrecking or salvage.
- i. Blast furnace.
- j. Boiler works.
- k. Brick, tile or terra cotta manufacture.
- l. Candle manufacture.
- m. Carpet or bag cleaning.
- n. Celluloid manufacture.
- o. Cement, lime, gypsum or plaster of paris manufacture.
- p. Coke ovens.
- q. Cotton gin factory.
- r. Crematory.
- s. Creosote treatment or manufacture.
- t. Disinfectants manufacture.
- u. Distillation of bones, coal or wood.
- v. Dyestuff manufacture.
- w. Dwellings except for watchman's quarters.

- x. Exterminator and insect poison manufacture.
- y. Emery cloth and sandpaper manufacture.
- z. Fat rendering.
- aa. Fertilizer manufacture.
- bb. Fish smoking and curing.
- cc. Forge plant.
- dd. Gas (illuminating and heating) manufacture.
- ee. Glue, size or gelatine manufacture.
- ff. Gunpowder manufacture or storage.
- gg. Fireworks or explosive manufacture or storage.
- hh. Hotel.
- ii. Incineration or reduction of garbage, dead animals, offal or refuse.
- jj. Iron, steel, brass or copper works or foundry.
- kk. Lamp black manufacture.
- ll. Multiple dwellings.
- mm. Oil cloth or linoleum manufacture.
- nn. Oiled, rubber or leather goods manufacture.
- oo. Ore reduction.
- pp. Paint, oil, shellac, turpentine or varnish manufacture.
- qq. Paper and pulp manufacture.
- rr. Petroleum or its products, refining or wholesale storage of.
- ss. Plating works.
- tt. Potash works.
- uu. Printing ink manufacture.
- vv. Pyroxlin manufacture.
- ww. Rock crusher.

- xx. Rolling mill.
- yy. Rubber or gutta percha manufacture or treatment.
- zz. Salt works.
- aaa. Sauerkraut manufacture.
- bbb. Sausage manufacture.
- ccc. Sexually Oriented Businesses
- ddd. Shoeblicking manufacture.
- eee. Smelters.
- fff. Soap manufacture.
- ggg. Stockyards.
- hhh. Soda and compounds manufacture.
- iii. Stone mill or quarry.
- jjj. Storage or baling of scrap paper, iron, bottles, rags or junk except as permitted in "D" Commercial Districts.
- kkk. Stove polish manufacture.
- lll. Tanning, curing or storage of leather, rawhides or skins.
- mmm. Tallow, grease or lard manufacture.
- nnn. Tar distillation or manufacture.
- ooo. Tar roofing or waterproofing manufacture.
- ppp. Vinegar or pickle manufacture.
- qqq. Wool pulling or scouring.
- rrr. Advertising billboards or signs, except as permitted in "C" Commercial Districts.
- sss. Yeast plant.
- ttt. And in general those uses which have been declared a nuisance in any court of record, or which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise.

Conditional Uses. The following uses are permitted under conditions and requirements specified in Section 53.170 et seq.

- a. Any public building erected and used by any department of the City, County, State or Federal Government.
- b. Cemetery.
- c. Churches.
- d. Community building or recreation field.
- e. Educational facility, colleges and universities. (*See Section 53.155 for development standards for this use.)
- f. Hospitals, clinics and institutions, except those that accommodate criminals or persons having contagious or infectious diseases, including uses and structures normally accessory to such hospitals and institutions. (*See section 53.046 for development standards for this use.)
- g. Nursery Schools, Adult or child day care homes, and adult or child day care centers. (*See Section 53.156 for development standards for this use.)
- h. Nurseries and greenhouses for the propagation and cultivation of plants only, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- i. Pawn Shops (*See section 53.192 for development standards for this use.)
- j. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- k. Parking lots on land not more than three hundred (300) feet from the boundary of a commercial or industrial district.
- l. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions. (see Sections 53.221 et seq for the requirements for this use)
- m. Small Loan Business (*See section 53.192 for development standards for this use.)
- n. Tattoo or Body Piercing Establishments (*See section 53.192 for development standards for this use.)
- o. Used car lots.
- p. Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220.
- q. Accessory Use parking areas. (*See Section 53.157 for development standards for this use.)

Section 53.152. "E" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code.

Section 53.153. "E" Dimensional Regulations.**a. Height**

1. No building shall exceed three (3) stories, nor shall it exceed forty-five (45) feet in height.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height in accordance with this Zoning Code and existing or hereafter adopted ordinances of the City of Webster Groves.
3. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district, but such buildings shall not exceed the number of feet of building height permitted.
4. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

b. Front Yard. No front yard is required except:

1. Where the frontage on one side of a street between two intersecting streets is partly in the "E" Industrial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply, and
2. Where a reversed corner lot rears upon a lot zoned for dwelling purposes, the front yard on the side street side shall not be less than ten (10) feet.

c. Alternate Front Yard. When, on or after September 20, 1956, forty percent (40%) or more of a street frontage including the lot or lots in issue, on the same side of the street in the same block, we occupied by two or more buildings, then the minimum depth of the front yard hereto fore established shall be adjusted in the following manner:

1. When the building farthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such street frontage shall be the

minimum depth of front yard for new buildings in such block, except as set forth in subsection f. below.

2. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, then the depth of the front yard for that vacant lot shall be the average of the depth from the street line to the closest front corners of these two adjacent buildings, except as set forth in subsection f. below.
3. When neither paragraphs (1.) or (2.) is the case and a vacant lot is within one hundred (100) feet of an existing building on one side only, then the depth of the front yard is the same for that vacant lot as that of the existing adjacent building, except as set forth in subsection f. below.
4. For lots or tracts with existing primary structures, paragraph (2.) or (3.) shall apply to building additions.

d. **Side Yard.**

1. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. If a side yard is provided where not required, it shall be not less than five (5) feet in width.
2. No side yards are required where dwelling units are erected above commercial and industrial structures.

e. **Rear Yard.** A rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than ten (10) feet in depth for a one story and two story building and twenty (20) feet in depth for a three story building.

f. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in 53.170.

g. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
2. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.
3. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may

project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

4. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

h. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

i. Open Space

1. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract but only when such buildings conform to all open space requirements for the district in which the lot or tract is located.
2. Where an open space is more than fifty percent (50%) surrounded by building, the minimum width of the open space shall be at least thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.
3. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.154. "E" Performance Standards

- a. **Visual Screening.** From and after the effective date of Ordinance 5906 there shall be no construction or reconstruction in any district zoned industrial unless the applicant for such building permit shall, prior to the issuance of any such permit, and as a part thereof, provide for and continually maintain the visual screening of any such building or buildings from adjacent or abutting residential areas. All such screening shall consist of evergreen planting and shall be of sufficient height and density adequately to screen the industrial buildings, parking lots and all necessary uses and structures from the view of adjoining residentially

zoned property, but in no event shall such evergreen screening be less than a height of four (4) feet.

- b. **Outdoor Storage.** All storage of derelict or inoperable vehicles, materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, sight-proof fences, or masonry walls, or combinations of these materials at least eight (8) feet in height so that said derelict or inoperable vehicles, materials, and equipment are not visible at the grade of the nearest adjacent street and/or property line for any property which:
 - 1. Has a lot line on a public street
 - 2. Abuts residential or commercial zoned property
 - 3. Fronts on a private street across from residential or commercial zoned property.

Section 53.155. Development Standards for Educational Facilities, Colleges and Universities; Hospitals; Clinics and Institutions

- a. Educational Facilities, Colleges and Universities
 - 1. Reserved
- b. Hospitals, Clinics and Institutions
 - 1. Such buildings and accessory structures shall not be located upon sites containing an area of less than eight (8) acres;
 - 2. They may not occupy over twenty percent (20%) of the total area of the lot or tract;
 - 3. All buildings including accessory structures shall be set back from all required front, side, rear yard lines a distance of not less than two (2) feet for each foot of building height; and
 - 4. Off-street parking facilities shall be, provided upon the premises adequate to accommodate the cars of employees and visitors.

Section 53.156. Development Standards for nursery schools, adult or child day care homes, and adult or child day care centers

- a. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located; and
- b. Off-street parking be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

Section 53.157. Development Standards for Accessory Parking Lots

- a. The Plan Commission and the City Council may permit the use upon the lot containing the main use or within three hundred (300) feet of said lot, provided that the Plan Commission shall not favorably recommend, nor shall the City Council approve any application for use of an accessory use parking lot or area in any residential district which would permit parking in a required or established front yard, except where unusual conditions warrant the use of the front yard for proper development of the parking facility and where the use of such front yard will not adversely affect the character of the neighborhood.
- b. Permit no parking within six (6) feet of the rear or side lot line(s);
- c. Pave the permitted parking area with bituminous, concrete or equivalent surfacing, clearly marked and containing entrances and exists, satisfactory to the City;
- d. Prohibit the use of such parking area for any purpose other than the parking of motor vehicles;
- e. Install and regulate lighting in such manner that said lighting will not adversely affect residences; and
- f. Install, plant and maintain shrubs, borders or fences, or any combination thereof sufficient to screen, to the satisfaction of the City, the lot or area from nearby residences.

Section 53.158. Development Standards for Accessory Structures

- a. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- b. No garage or carport, attached or detached, shall be used for or converted to habitable or dwelling space, unless it is demonstrated the required off street parking regulations for the applicable zoning district will be complied with.
- c. No accessory uses shall be permitted that create a nuisance, as defined in the Code of the City of Webster Groves, to adjacent or nearby residents.
- d. No accessory building or structure may be used as living accommodations, except for members of the family residing as a single housekeeping unit in the main building or for persons employed for domestic services exclusively for residents of the main building. Under no circumstances shall more than two people occupy any accessory building or structure as living accommodations. No person shall occupy, or permit the occupancy of any accessory building or structure as living accommodations to the extent permitted by this subsection until a Certificate of Occupancy has been issued when occupancy complies with this subsection and with all applicable provisions of the Code of the City of Webster Groves and shall be issued in the same manner as, and in addition to, the Certificate of Occupancy required under Chapter 30 for the occupancy of any dwelling or dwelling unit.

- e. No accessory building or structure shall be used as rental property or for the conduct of any business, other than a home occupation, as defined in the Code of the City of Webster Groves.
- f. No accessory building that is not a part of the main structure shall be located less than sixty (60) feet from the front lot line. On corner lots, no accessory building shall project beyond the front yard line on either street, provided that every application for a parking lot qualifying as an “accessory use,” as defined in Section 53.020, shall be subject to all the provisions of Section 53.157
- g. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that when a garage is located closer than ten (10) feet to the main building the side and rear yards for the main building shall be observed and except on reverse corner lots the garage shall not be located closer than ten (10) feet to the rear property line.

Section 53.159. Reserved.

ARTICLE V: Supplemental Regulations

Section 53.160. Nonconforming Uses.

Section 53.161. Discontinuance of Land Uses.

In all districts, the lawful use of land which does not conform to the provisions of this Zoning Code shall be discontinued within one (1) year from the date of the approval of Ordinance 5906 (Sept. 20, 1956), and the use of land which becomes nonconforming by reason of a subsequent change in this Zoning Code shall also be discontinued within one (1) year from the date of the change.

Section 53.162. Discontinuance of Building Uses.

In all districts, the lawful use of a building existing at the time of the effective date of Ordinance 5906 (Sept. 20, 1956) may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section 53.163. Nonconforming Use Created by Zoning Amendment.

In all districts, whenever the use of a building becomes nonconforming through a change in the Zoning Code or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

Section 53.164. Abandonment.

In the event that a nonconforming use of any building or premises in any district is discontinued for a period of twelve (12) months, the use of the same building shall thereafter conform to the use permitted in the district in which it is located.

Section 53.165. Enlargement, Extension, Reconstruction, Alteration.

No existing building in any district devoted to a use not permitted by this Zoning Code in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located.

Section 53.166. Damage by Fire, Explosion, Act of God, Etc.

In any district, when a building, the use of which does not conform to the provisions of this Zoning Code, is damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty percent (60%) of its fair market value at the time such damage is incurred, it should not be restored except in conformity with the district regulations of the district in which the building is situated. When a building, the use of which does not conform to the provisions of this Zoning Code, is damaged by fire, explosion, act of God, or the public enemy, to the extent of less than sixty percent (60%) of its fair market value at the time of such damage is incurred, it may only be restored upon the issuance of a permit by the Board of Adjustment upon appeal as provided in Section 53.300 et seq.

Section 53.170. Conditional Use Permit Procedure.

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the regulations of the Conditional Use Permit (CUP) Procedure. These regulations are supplemented and qualified by additional general regulations elsewhere in this Chapter which are incorporated as part of this section by reference.

Section 53.171. Applications.

The owner, or its authorized representative, shall file an application for Conditional Use Permit review for proposed conditional uses on forms to be provided by the City. Such application shall be accompanied by the following:

- a. Proof of ownership and/or authorization from the owner to file the application on forms provided by the City and as amended from time to time
- b. Filing fee per requirement of Section 53.802. Fees
- c. Legal Description of the property
- d. Outboundary Plat or Site Plan of the property
- e. Preliminary Development Plan (when the proposed use includes improvements to the site), including but not limited to the following:

1. Proposed uses. Approximate location and designated uses of the building and other structures as well as parking and open areas shall be indicated.
2. Existing and proposed contours at verticals intervals of not more than five (5) feet. Flood Plain areas shall be delineated.
3. Approximate location of all isolated trees having a trunk diameter of seven (7) inches or more, all tree masses and all proposed landscaping.
4. Proposed ingress and egress to the site, including adjacent streets.
5. Preliminary plan for provision of sanitation and drainage facilities and stormwater measures.

Section 53.172. City Plan Commission Action.

A Public Hearing shall be held by the City Plan Commission within sixty (60) days of determination that the application, as determined by the Director of Planning and Development or his or her designee (the "Director") or by the Plan Commission itself in a case where the Plan Commission disagrees with the determination of the Director, that the application meets the minimum requirements. The City Plan Commission shall hold a public hearing in relation to the matter and shall give notice of the time and place thereof by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The publication of said notice shall be at least fifteen (15) days prior to the day of such hearing.

The City Plan Commission shall investigate and report as to the effect of the proposed use or structure upon traffic hazards or congestion; fire hazards; the character of the neighborhood; the general welfare of the community; and the effect on public utilities. In approving a conditional use, the City Plan Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:

- a. Permitted, accessory and incidental uses
- b. Performance standards
- c. Height limitations
- d. Minimum yard requirements
- e. Off-street parking and loading requirements
- f. Sign regulations
- g. Time limitations for commencement of construction
- h. Buffers and screening

Section 53.173. City Council Action.

- a. The City Plan Commission shall file a report with City Council on their findings and recommendation.
- b. Upon receipt of the report and recommendations of the City Plan Commission, the City Council shall hold a public hearing in relation to the matter, shall give notice of the time and place thereof by causing a notice thereof to be published at least two times in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The first publication of said notice shall be at least fifteen (15) days prior to the day of such hearing.
- c. The City Council may grant a Conditional Use Permit should the applicant prove by a preponderance of competent evidence, the weight and credibility of which shall be determined by the City Council, that the proposed use will not:
 1. Substantially increase traffic hazards or congestion.
 2. Substantially increase fire hazard.
 3. Adversely affect the character of the neighborhood.
 4. Adversely affect the general welfare of the community. or
 5. Overtax public utilities.

The application for a conditional use permit shall be denied if the Council finds that the applicant has failed to carry its burden of proof with regard to any of the factors set forth above in this Section 53.173.

Section 53.174. Amendments to a Conditional Use Permit.

Any material change in a structure or any change in the scope or extent of a use approved for a conditional use permit that could require conditions other than those approved in an existing conditional use permit, shall require the approval of an amendment. All requests for amendments must be filed on an application form provided by the City.

- a. All amendments that the Director of Planning and Development determines, in his/her sole discretion, may require one or more material new conditions shall be subject to review and approval by the City Plan Commission and the City Council. The following is a list of amendments that may require a material new condition:
 1. Additional square footage;
 2. Expansion of an existing drive through facility;
 3. Expansion in the scope or extent of a use;
 4. Change in parking;
 5. Other changes deemed to be similar by the Director of Planning and Development or his/her designee.

- b. All amendments that the Director of Planning and Development determines, in his/her sole discretion, to be minor in nature shall be subject to review and approval by the City Council. The City Council shall hold a public hearing in relation to the matter and shall give notice of the time and place thereof by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The publication of said notice shall be at least fifteen (15) days prior to the day of such hearing. The City Council may also, in its sole discretion, refer any request for a minor amendment to a conditional use permit back to the City Plan Commission for review and recommendation.

- c. **Transfer of a Conditional Use Permit.** Any changes in the ownership, operating entity or leasee named as the permittee of the approved conditional use permit will require a transfer of conditional use permit. Requests for transfer that are deemed by the Director of Planning and Development to not affect the intensity of use of the originally approved conditional use permit shall be subject to review and approval by the City Council. The City Council shall hold a public hearing in relation to the matter and shall give notice of the time and place thereof by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper be printed or published in the City, then in a newspaper of general circulation in the City of Webster Groves. The publication of said notice shall be at least fifteen (15) days prior to the day of such hearing. The City Council may also, at its discretion, refer such request for transfer to the City Plan Commission for review and recommendation.

Section 53.175. CUP Parking and Loading Regulations.

Off street parking spaces shall be limited by the conditions found elsewhere in this Code that govern the particular development or use authorized by a Conditional Use Permit, or shall be as set forth in the Ordinance approving a conditional use permit, if different from provisions found elsewhere in the Code. In the event of a conflict between such Code provisions, the terms of the Ordinance approving a conditional use permit shall govern.

Section 53.176. CUP Dimensional Regulations.

- a. The total height of any structure shall be limited by the conditions found elsewhere in this Code that govern the particular development or use authorized by a Conditional Use Permit.
- b. Setback and/or buffering requirements for any front, side, and rear yard shall be established and shall be determined by using the following guidelines to evaluate the proposed development's impact, if any, from or upon:
 1. the immediately adjacent properties;
 2. congestion in the streets;
 3. safety from fire, flooding, and other dangers;
 4. adequate light and air on the proposed site and on surrounding properties;
 5. building density and mass on the proposed site;
 6. adequate provision for parking and storm water control;
 7. the general character of the neighborhood;
 8. the conservation of the value of buildings existing on the proposed site and upon the surrounding properties;
 9. the particular and unique characteristics that the proposed site provides to the community;
 10. the preservation of historic landmarks, whether structures or sites, or the impact on historic districts;
 11. the preservation of open space; and
 12. the preservation of Valued Trees as defined in Section 10.312 of the Code of Webster Groves.

In applying the guidelines above, no single factor or guideline shall be controlling nor shall every factor necessarily be applicable in a given context. No set minimum number of factors shall be required in combination in order to establish an appropriate setback. The Plan Commission and City Council should give such consideration to each factor as

is appropriate to the circumstances presented by the application and should state why any individual factor is relevant and give such weight to each factor as it deserves based on the unique proposal subject to a setback decision. In situations where a conditional use permit is sought for an existing building and no addition or change in the structure or building footprint is sought, the Plan Commission and City Council may summarily establish the setback line at the existing front building line.

Section 53.177. Site Development Plan.

Subsequent to the effective date of the Conditional Use Permit as set forth in the Ordinance approving it, a site development plan shall be submitted for review and approval the Department of Planning & Development, which shall have discretion to determine whether the plan submitted complies with each of the conditions set forth in the Ordinance approving it; provided, however, that if there is a material difference between the site plan and the Ordinance approving the conditional use, then the Director shall submit such a site plan to the Plan Commission at a meeting open to the public to determine whether or not to approve, modify or deny such a site plan.

The site plan submitted shall contain the minimum requirements established in the conditions of the Ordinance approving the conditional use. No building permit or authorization for improvement or development of any property subject to a conditional use shall be issued prior to the approval of a site plan as set forth herein. Each approved plan shall be retained on file with the Department of Planning and Development.

Section 53.178. Appeal or Protest and City Council Decision.

In case of an adverse report by the City Plan Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk prior to the date of the holding of said hearing, duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets, places and alleys) included within 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, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two thirds (2/3) of all members of the City Council.

Section 53.179. Suspension of Permit; Reinstatement.

If, after the application shall have been granted, it shall appear to the Council that the conditions imposed upon the holder of the conditional use permit are being violated by such holder, the Council may, by resolution duly adopted, suspend the conditional use permit and thereafter may reinstate the same by resolution, but only after being satisfied that full compliance with the conditional use permit has again been obtained.

ARTICLE VI: Performance Standards**Section 53.180. Parking and Loading Regulations.****Section 53.181. Purpose.**

The regulations contained in this section and the following sections shall govern the size, number, location, and design of all off-street parking and loading facilities

Section 53.182. Off-Street Parking.

Off street parking space shall be provided as follows:

- a. **Dwellings.** One (1) parking space for each dwelling unit which space will be located within the rear yard or within that portion of the side yard which lies between the main building and the side lot lines.
- b. **Educational Facility.**
 1. One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices.
 2. One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities.
 3. Theater, Auditorium, or Athletic Facility that can be accessible to the public on a paid admission or other basis – one (1) parking space for every ten (10) seats
 4. Student Housing (Special Needs) – required parking will be established through the Conditional Use Permit procedure as set forth in 53.170 et. seq.
 5. Student Housing (Seminary, Small College and University) – one (1) parking space for every two (2) beds
- c. **Public Building.** One (1) parking space for every ten (10) seats in the main auditorium, stadium, or other place of public assembly.
- d. **Churches.** Any church which is on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet thereof, which space is adequate to accommodate one (1) car for every five (5) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms, and any existing church which shall be converted, reconstructed or enlarged shall provide the same off street parking space for any additional seating in the main auditorium provided by such conversion, reconstruction or enlargement as is required for churches on new sites.
- e. **Convenience store with Gasoline**

1. Such buildings a minimum of one parking space per 250 sq. ft. of Gross Floor Area, excluding service bay area, is provided; and
2. A minimum of three parking spaces per services bay are provided; and
3. A minimum of one parking space per employee during largest shift are provided; and
4. No pump parking space shall be counted toward parking requirements

f. **“C” Commercial**

1. When any structure is erected, reconstructed, enlarged or converted, for any of the business purposes permitted in the “C” Commercial District, parking spaces shall be provided in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes. Such parking space shall be required of any additional commercial floor area resulting from alteration or addition to an existing structure. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space.
2. When any structure is erected, reconstructed, enlarged, or converted for any of the business purposes permitted in this section, one (1) loading space shall be provided on the lot for each fifteen thousand (15,000) square feet of floor area, or fraction thereof, in excess of five thousand (5,000) square feet, used for commercial purposes as enumerated in the “C” Commercial District, but excluding uses allowed in an “A4” zone and conditional uses. Such loading space shall be required of any additional commercial floor area resulting from alteration or addition to an existing structure. Where such space is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of forty-nine (49) feet shall be provided.

g. **“D” Commercial**

1. **Loading Regulations.** Where any structure is erected, reconstructed, enlarged, or converted for any of the purposes permitted in this section, one (1) loading space shall be provided for each ten thousand (10,000) square feet of floor area or fraction thereof, in excess of five thousand (5,000) square feet, devoted to industrial or commercial purposes. Such loading space shall be required of any additional commercial or industrial floor area resulting from alterations or industrial floor area resulting from alterations or additions to existing structures. Where such space is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of forty-nine (49) feet shall be provided.

h. **“E” Industrial**

1. When any structure is erected, reconstructed, enlarged or converted for any business purpose permitted in this section, parking space shall be provided in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space which is used for commercial purposes.
2. When any structure is erected, reconstructed, enlarged or converted to any industrial purpose permitted in this section, parking space shall be provided in the ratio of one (1) parking space for each six hundred (600) square feet of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is the greatest.
3. Parking space shall be required of any additional commercial or industrial floor area resulting from alteration or addition to an existing structure.
4. Parking space for commercial and industrial uses may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together, in providing this parking space.
5. The loading space regulations for commercial uses are the same as those of the "C" Commercial District.
6. Whenever any structure is erected, reconstructed, enlarged or converted to any industrial purpose permitted in this section, loading space shall be provided in the ratio of one (1) loading space for each ten thousand (10,000) square feet of floor area, or fraction thereof in excess of five thousand (5,000) square feet, devoted to industrial uses. Where such space is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of forty-nine (49) feet shall be provided.
7. Property fronting on a road designated as an arterial road by St. Louis County within an 'E' Industrial District shall comply with the following:
 - A. No parking of vehicles, trailers, or equipment, other than passenger vehicles, trucks, or vans, none of which shall have a load carrying capacity greater than three-quarters (3/4) ton, shall be allowed at any time between the front building line and any street line of an arterial road with the exception of trucks or vans making delivery to the premises, which may be parked in the front yard area for a period not exceeding one (1) hour per day.
 - B. For any parcel developed or redeveloped after the effective date of this ordinance, no unenclosed parking or loading space shall be closer to the arterial road than fifteen (15) feet. All areas within fifteen (15) feet of any street line of an arterial road must be maintained as landscaped areas.
8. All areas used for parking or loading, including driveways, shall be paved.

9. All parking and loading spaces shall be designated with painted stripes or comparable industry standard markings.
10. No off-street parking space shall be used for any other purpose

(Ord. No. 8851, 1-6-2015)

Section 53.182. Trailers.

Except as provided herein, no trailer, as defined in this Zoning Code, may be parked or stored in the front or side yards of any residence district, but a trailer may be parked or stored in the rear yard in compliance with the appropriate district regulations pertaining to the location of accessory buildings and structures. However, if the trailer is serving as a trash receptacle during remodeling, construction of a home, or removal of debris, it shall be allowed for a period of not more than ninety (90) days unless the Director of Planning and Development extends such time period. In no event shall the use continue for more than fifteen (15) days following the completion of such activity on the property. All other trailers shall be allowed in front and side yards on a paved driveway surface for a period of not more than ten (10) days two (2) times per year.

Section 53.183. Parking and Vehicle Storage in Residential Districts.

No yard in any residence district shall be used for off-street parking or storage at any time, except in an enclosed garage, of a truck (or other vehicle) used for commercial or industrial purposes (with the exception of a passenger car or station wagon bearing no commercial legend). However, a trailer or a truck not in excess of three-quarter (3/4) ton capacity may be parked in a front yard, rear yard, or that portion of the side yard lying to the rear of the front line of the main building if the owner or operator of such trailer or truck may establish to the satisfaction of the City that:

- a. The expense of constructing a garage would constitute a real, substantial, and genuine financial hardship to said owner or operator, or
- b. The topography or shape of the lot or location of the structures on the lot makes the construction and use of a garage physically impossible.

To establish such a hardship, a trailer or a truck owner residing upon the property in question may apply for such relief by filing with the City Manager, a duly executed affidavit setting out all the facts upon which such claim if any, for relief may be made, and the City Manager may in approving such applications, designate that portion of the yard of the premises where said trailer or truck may be parked. Such determination, based upon such affidavit, shall be made by the City Manager within thirty (30) days of the date of said application, and such decision, in allowing or disallowing such application, shall be final and binding but shall be subject to judicial review. Approved applications shall be effective for twelve (12) month periods renewable under the same conditions as the original application. Any approved application shall automatically expire when the trailer or truck mentioned therein is disposed of or sold.

Section 53.185. Modification of Parking Standards.

An applicant may request a modification of the requirements of this section of the City Code by providing a parking demand study, as defined below, whereby the applicant demonstrates by clear and convincing evidence that the requested modifications are appropriate for the site and do not cause detriment to adjacent properties.

- a. **Applicability.** A parking demand study is required when an applicant requests a reduction in the minimum parking requirements; requests to exceed the maximum parking requirements in the zoning district; or requests any other modification to the standards of this section.
- b. **Elements of a parking demand study.** The parking demand study shall contain the following information:
 1. The study shall be signed by a licensed professional engineer or certified planner.
 2. A plan which graphically depicts where the parking spaces, loading spaces, stacking areas, and structured parking facilities are to be located, as well as the onsite circulation for automobile, pedestrian, and bicycle movement.
 3. A report which demonstrates how everything on the plan complies with, or varies from, the applicable standards and procedures of the City.
 4. The plan shall show all entrances and exits for any structured parking facility and the relationship between surface parking lot or structured parking facilities and the circulation.
 5. The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types including passenger vehicles, trucks, vehicles for mobility-impaired persons, motorcycles, buses, other transit vehicles and bicycles.
 6. The plan, supported by the report, shall include any phasing plans for the construction of structured parking facilities and any interim facilities planned.
 7. Whenever the applicant requests to reduce the number of required parking spaces, or to exceed the maximum parking provided for in this code, the required report shall document how the proposed parking was calculated and upon what assumptions such calculations were based.
 8. Such other information as determined by the Department of Planning and Development to be necessary to process the parking demand study.

- c. **Design Features and Review Criteria.** Design features and review criteria including, but not limited to those listed below, will be reviewed when in conjunction with requests for modification of any requirements of this section as applicable.
1. The parking demand study provides sufficient number and types of spaces to serve the uses identified on the site.
 2. Adequate provisions are made for the safety of all parking facility users, including motorists, bicyclists and pedestrians.
 3. Sites are designed to minimize or alleviate traffic problems.
 4. Parking spaces are located near uses they are intended to serve and shall provide safe and convenient access for pedestrian access to the facility.
 5. Adequate on-site parking is provided during each phase of the development.
 6. The development provides opportunities for shared parking or for other reductions in trip generation through the adoption of transportation demand management (TDM) techniques to reduce trip generation, such as car pools, van pools, bicycles, employer transit subsidies, compressed work hours, and high occupancy vehicle (HOV) parking preference.
 7. Reductions in the number of parking spaces should be related to significant factors such as, but not limited to:
 - A. Shared parking opportunities;
 - B. Hours of operation;
 - C. The availability and incorporation of transit services and facilities;
 - D. Opportunities for reduced trip generation through pedestrian circulation between mixed-uses;
 - E. Off-site traffic mitigation measures;
 - F. Recognized variations in standards due to the scale of the facilities;
 - G. Parking demand for the specified use; and

- H. The provisions of accessible parking spaces beyond those required per the City Code.
- d. **Review Procedure and Approval.** Requests for modifications will be considered by the Director of Planning and Development and may be approved if the applicant meets its burden of proof showing by clear and convincing evidence that the requested modifications are appropriate to the site and do not cause detriment to the adjacent properties. If said request for modifications is approved, the property owner(s) involved in the parking demand study shall submit a written agreement to the City of Webster Groves requiring that the parking facility and any associated transportation demand management (TDM), as that term is used by the U.S. Department of Transportation, Federal Highway Administration, and as amended from time to time, shall be maintained without alteration unless such alteration is authorized by the Director of Planning and Development. Such written agreement shall be approved by the City of Webster Groves and filed with the City Clerk prior to the issuance of a building permit.
1. Requests for a reduction in the minimum parking requirement:
 - A. The Director of Planning and Development shall review and may approve requests for reduction for up to ten (10) percent of the minimum parking requirement.
 - B. Requests for a reduction that exceed ten (10) percent shall be subject to the review and approval of the City Plan Commission.

At least ten (10) days in advance of the date of the City Plan Commission meeting to consider the parking reduction, notice of the proposed parking request shall be hand delivered or placed in a U.S. Post Office mailbox by first class mail to the owners within one hundred eighty-five (185) feet of the subject property, as listed in the real estate index of St. Louis County, announcing. The meeting agenda shall be posted on the bulletin board at City Hall and on the City website at least twenty-four (24) hours in advance of the meeting.
 2. Requests to provide parking in excess of the maximum parking requirement:
 - A. Requests to exceed the maximum parking requirement between ten (10) percent and twenty (20) percent shall be subject to the review and approval of the Director of Planning and Development.
 - B. Requests to exceed the maximum parking requirement by more than twenty (20) percent shall be subject to the review and approval of the City Plan Commission. Where City Plan

Commission approval is required for the proposed parking, the applicant shall submit a statement that identifies measures to mitigate for the increase in parking area.

At least ten (10) days in advance of the date of the City Plan Commission meeting to consider the parking reduction, notice of the proposed parking request shall be hand delivered or placed in a U.S. Post Office mailbox by first class mail to the owners within one hundred eighty-five (185) feet of the subject property, as listed in the real estate index of St. Louis County, announcing. The meeting agenda shall be posted on the bulletin board at City Hall and on the City website at least twenty-four (24) hours in advance of the meeting.

Mitigation measures shall be subject to the review and approval of the City Plan Commission and may include, but not be limited to, the following:

- (i) Increased open space;
- (ii) Pervious pavements;
- (iii) Green roofs;
- (iv) Cool pavement materials;
- (v) Structured parking facilities; or
- (vi) Native vegetation.

(Ord. No. 8851, 1-6-2015)

Section 53.190. Development Standards for Golf Courses.

A Golf Course shall comply with the following development and operating standards, except that any portion of the existing playing area, including any practice driving range area as of the effective date of this amendment shall not be subject to such standards. Property newly acquired or converted to golf course use after the date of this amendment, intended to be used as part of the golf course, shall be subject to the following standards:

- a. Greens shall be setback a minimum of twenty-five (25) feet from any property line abutting a non-golf course use.
- b. Enclosed buildings and accessory structures which have a roof shall be:
 - 1. Setback a minimum of fifty (50) feet from any property line; and
 - 2. Screened with vegetation as defined below; and
 - 3. May not exceed twenty (20) feet in height if within one hundred (100) feet of any property line.

- c. Where screening is required, it shall consist of dense evergreen planting at least eight (8) feet in height, and of sufficient density so as to screen year-round the building or activity as viewed from neighboring properties.
- d. Outdoor or open storage shall be prohibited.
- e. Exempted from setback regulations are: fairways, rough, landscaped areas, natural planting or vegetated areas, tees, tee markers, ball washers, benches, signage, monuments, out-of-bounds markers, lateral hazard markers, and similar markers and posts.
- f. A golf course shall not be artificially illuminated on any playing area except for security lighting or illumination of tennis courts or pools. If illuminated tennis courts or pool areas are within fifty (50) feet of any property line abutting a non-golf course use, the source of the illumination shall be shielded from the neighboring properties.

Section 53.191. Development Standards for Sexually Oriented Businesses.

- a. No such business or use may be located on a parcel which is within one thousand (1,000) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a church, school, or public park.
- b. No customer entrance for such business may be located closer than one hundred (100) feet, as measured by the Director of Planning and Development or his or her designee, to any property zoned for residential use.
- c. No such business may be located on a parcel of land which is within five hundred (500) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is used for a Child Day Care Center.
- d. No window display or signage, whether temporary or permanent, for such a business may graphically depict or include words referencing any human anatomy, sex toy, or similar instruments, devices, or paraphernalia which is visible from off premises.
- e. No such business or use may be located within two hundred fifty (250) feet, as measured by the Director of Planning and Development or his or her designee, of another sexually oriented business.

Section 53.192 Development Standards for Small Loan Businesses, Pawnshops, and Tattoo or Body Piercing Establishments

The establishment of new small loan businesses, pawnshops, and tattoo or body piercing establishments shall be consistent with the development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, the following development standards shall apply. The purpose of these provisions is to limit the overconcentration of small loan businesses, pawnshops, and tattoo or body piercing establishments within the city by applying

minimum distance standards between these uses and other sensitive land uses and ensuring compatibility with surrounding uses by limiting the hours of operation. In addition to the development standards of the underlying zoning district, the following special standards shall apply to all new small loan businesses, pawnshops, and tattoo or body piercing establishments:

- a. No such business or use may be located on a parcel which is within one thousand (1,000) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a church, school, or public park.
- b. No such business may be located on a parcel of land which is within five hundred (500) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is used for a Child Day Care Center.
- c. No new small loan businesses, pawnshops, and tattoo or body piercing establishments may be located within two hundred fifty (250) feet, as measured by the Director of Planning and Development or his or her designee, of another such business.
- d. The hours of operation for small loan businesses, pawnshops, and tattoo or body piercing establishments shall be limited to between 8:00 a.m. and 9:00 p.m. daily.

Section 53.195. Fence Regulations.

No person shall erect a new or replacement fence without first having obtained a fence permit from the Director of Planning and Development. Repairs to existing fences do not require a permit. A repair is defined as the replacement of a portion of fence which is less than twenty-five (25%) of its total linear distance (whether interrupted or not), or three hundred (300) square feet of fence surface, whichever is less, with the same material, at the same height, in the same location.

The application for a fence permit shall include a scaled drawing of the property showing all property lines, structures, and the location & dimensions of existing and proposed fencing. The application shall also include design specifications for the fence to be erected. The application shall be accompanied by a fee of Forty Dollars (\$40.00).

Unless otherwise indicated in the body of these regulations, fences may be either sight proof (solid) or open.

All fences shall be erected and continuously maintained in accordance with the provisions of the Building Code, the Minimum Housing Standards Ordinance, the Comprehensive Nuisance Ordinance, and the following design standards.

Section 53.196. Fence Height.

All fence heights shall be measured from the top-most point of the fencing material vertically to the ground. Posts may be up to six (6) inches taller than the fencing material. Fence height shall be as follows:

- a. Fences may be erected to a height of four (4) feet on any part of a lot, except within thirty (30) feet of an intersection of two or more streets, in which case the maximum height is two (2) feet subject to approval by the Public Works Director. The Public Works Director will determine if such a fence will obstruct the vision of vehicular operators or pedestrians.
- b. On corner lots, no fence in the side street front yard shall exceed four (4) feet in height.
- c. On reversed corner lots, no fence which exceeds four (4) feet in height shall be erected closer to the street line than the front line of the main building on the adjacent property. (Ord. No. 8840, §1, 6-3-2014)
- d. Fences may be erected to a height of six (6) feet in any part of the rear yard of a lot.
- e. On lots with double frontage abutting Elm Avenue, Edgar Road, Rock Hill Road, Newport Avenue, Laclede Station Road, Short Avenue and College Avenue, that face streets in both the front and rear where seventy-five percent (75%) or more of existing dwellings have observed a uniform building orientation so that the portion of the yard facing those streets is treated as a back yard by the occupants, fences may be erected ten (10) feet back from the property line abutting those streets to a height of six (6) feet. (Ord. No. 8840, §2, 6-3-2014)
- f. Fences may be erected to a height of eight (8) feet within the buildable area provided for the main structure of a lot; or along the common property line between:
 1. Properties zoned residential and commercial; or
 2. Properties zoned residential and industrial; or
 3. A property zoned residential and a railroad right-of-way; or
 4. A property zoned residential and an interstate highway right-of-way.
- g. Fences enclosing an institution, a public park, a public playground, an elementary or high school site, or a commercial or industrial occupancy shall not exceed ten (10) feet in height.
- h. Fences surrounding tennis courts shall be of open mesh construction and shall not exceed fifteen (15) feet in height.
- i. Notwithstanding the aforementioned height requirements, fences on side yard lot lines may be erected to an equal height as that permitted by right on immediately adjacent lot lines of abutting properties developed with residential structures. However, in no case shall a fence taller than four (4) feet be permitted beyond the front building face of the main building on the lot where the fence is constructed.

Section 53.197. Fence Materials and Design.

- a. No fragile, readily flammable material such as paper, cloth or canvas, shall constitute any part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.
- b. (1) Every fence erected in front of the front line of the main building, and/or in the Front Yard Area, of a lot in residentially zoned districts shall be decorative or ornamental, and constructed of wood, wrought iron, ornamental wire, brick, stone, or like materials. Chain link fences, wire fences, wire mesh fences, snow fences, glossy plastic or similar synthetic fences, or fences constructed in any part with such materials shall not be considered decorative or ornamental. Fences constructed in front of the front building line and/or in the front yard, regardless of zoning district, shall be sufficiently similar in style to approved fence designs as presented in the "Approved Front Yard Fences Guide", as published and updated from time to time by the City Architectural Review Board.
- b. (2) Notwithstanding the foregoing, fences used in connection with non-residential playgrounds, athletic fields and tennis courts only may be constructed of chain link fencing or decorative wire, however all such fencing must be coated with dark-colored vinyl or equivalent material intended to be stealth in nature as approved by the Architectural Review Board.
- c. No fence shall have any electric current running through it, except as approved by City Council.
- d. All supporting posts, cross members and protruding bolts, screws and/or hardware of any fence shall be inside the property and face toward the interior of the property of the person who erects, constructs or causes to have constructed the fence.
- e. No fence shall be erected within twelve (12) inches of any public sidewalk, public walkway, or public street.

Section 53.198. Exceptions.

Double frontage and corner lots abutting MO Route 366 (Watson Road), when developed with single-family residences and having no driveway, curb-cut, or any other vehicular access point to MO Route 366 and adjoining at least one other such lot, may consider the yard abutting MO Route 366 a "rear yard" for purposes of Sections 53.195 through 53.199. Notwithstanding the above, all other yard areas with street frontage shall be considered a "front yard" for purposes of Sections 53.195 through 53.199.

Section 53.199. Appeals Regarding Fences.

- a. The City Council or any person aggrieved by any order, requirement, decision, or determination of the Director of Planning and Development with respect to the fence regulations contained in Section 53.195 et seq. may appeal to the Board of Adjustment as provided in Section 53.304 of the Code; provided, however, that if the appeal is in relation to the design of front yard fences (Section 53.197(b1)),

the appeal shall not be heard by the Board of Adjustment, but by the Architectural Review Board.

1. An appeal to the Architectural Review Board with regard to the design of front yard fences (Section 53.197(b1) must be made within fifteen (15) days of the Director of Planning and Development’s order, requirement, decision, or determination which is being appealed. The Architectural Review Board will review the appeal to determine if the fence complies with the requirements of Section 53.197(b1). The Architectural Review Board will review the appeal in accordance with the procedures set forth in Sections 56.060 through 56.130 of this Code.
 2. Appeals to the “Approved Front Yard Fences Guide”, shall be reviewed by the Architectural Review Board for inclusion as an approved front yard fence design for all future permits. These appeals review the fence design exclusive of the site location.
 3. Site Specific Front Yard fence design appeals can be reviewed on an individual basis by the Architectural Review Board. Applicants must provide the following information for the appeal:
 - A. Photographs of all elevations of the existing primary structure on the site.
 - B. Drawings or renderings of the proposed fence.
 - C. Design statement regarding the fence design and its relation to the site and existing structures.
- b. With regard to fence permits for non-residential use in a residential district (as provided for in 53.197(b2), the application must be first reviewed and approved as submitted, or as modified, by the Architectural Review Board pursuant to Sections 56.060-56.160 and 56.220-56.230. In the event the ARB denies such an application, the applicant may appeal the decision to the City Council. If the application is denied by the ARB and no appeal is taken, or if an appeal is denied by the City Council, then no such fence permit shall be issued.

(Ord. No. 8840, §4, 6-3-2014)

Section 53.200. Miscellaneous Requirements.

Section 53.201. Occupancy.

1. **Certificate of Occupancy, Generally.** No vacant land shall be occupied or used, except for truck gardening and farming purposes, and no building hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the City in compliance with all applicable ordinances.
2. **Certificate of Occupancy for a Building.** Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made

in writing to the Director of Planning and Development after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Director of Planning and Development for a period not exceeding one (1) year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this Zoning Code, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

3. **Certificate of Occupancy for Land.** Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, providing such use is in conformity with the provisions of these regulations.
4. **Contents of Certificate of Occupancy; File Retention; Fees.** A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Director of Planning and Development and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of Occupancy.
5. **Construction and Occupancy of Accessory Building.** No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
6. **Occupancy of Basements or Cellars.** No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
7. **Temporary Buildings.** Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.
8. **Excavation Permits.** No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.
9. **Plats.** Application for Certificate of Occupancy shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of the original copy of such applications and plats shall be kept in the office of the Director of Planning and Development.

Section 53.202. Preservation of Existing Grade.

- a. The finished first floor elevation at the front façade shall not exceed by more than one foot the average finished first floor elevation at the front façade of adjacent properties with frontage on the same street.
- b. The Director of Planning and Development may approve variations from the above upon finding that the proposed variation is necessary to adequately address issues including, but not limited to, storm water runoff, sanitary sewer, and the general welfare of the community.

Section 53.203. Additional Attached Garage Regulations.

- a. **Front Entry Garages.** Front Entry Garages are permitted if forty percent (40%) or more of the single-family dwellings on both sides of the street on the same block have front entry garages. When the vehicle doors face a street, the following standards must be met:
 1. For single-family dwellings with front elevation widths of forty-four (44) feet or greater, garage width shall be limited to a maximum of forty-two percent (42%) of the front elevation or twenty-two (22) feet, whichever is greater.
 2. For single-family dwellings with front elevation widths less than forty-four (44) feet, garage width shall be limited to a maximum of fifty percent (50%) of the front elevation.
 3. The garage-portion of the front elevation may project a maximum of six (6) feet beyond the remainder of the front elevation provided that if the garage projects four (4) or more feet beyond the remaining front elevation, then an architecturally integrated covered porch shall extend along the remainder of the front elevation.
 4. Garage doors with a width of ten (10) feet or greater shall have architectural treatment as approved by the Architectural Review Board.
 5. For single-family dwellings located on corner lots, the above regulations shall apply to the primary front elevation as determined by the Architectural Review Board.
 6. For single-family dwellings with a garage constructed below the first floor due to the natural grade of the site, garages up to twenty (20) feet wide are permitted regardless of total front elevation width.
 7. For the purpose of determining garage width as used in subsections (1) and (2) above, "**garage width**" is defined as that portion of the exterior elevation which, by virtue of front façade off-set, vehicle door placement, roof lines and/or other exterior architectural treatment, is clearly discernible as space designed for parking of automobiles and similar vehicles.

Size Exception: If an applicant can demonstrate that forty percent (40%) of the dwellings on the same block, both sides of the street, exceed these size limits, then the ARB may approve a design for a front entry garage that exceeds these size limits.

- b. **Side/Rear Entry Garages.** When the vehicle doors do not face a street, the following standards must be met:
1. The total length of the street-facing elevation, including the garage-portion, must be architecturally integrated.
 2. The garage-portion of the front elevation may project a maximum of six (6) feet beyond the remainder of the front elevation provided that if the garage projects four (4) or more feet beyond the remaining front elevation, then an architecturally integrated covered porch shall extend along the remainder of the front elevation.
 3. For single-family dwellings located on corner lots, the above regulations shall apply to the secondary front elevation as determined by the Architectural Review Board. (Ord. No. 8519, § 2, 11-21-06)

Section 53.204. Temporary Signs.

The City Manager shall have authority to grant permission for the installation and maintenance of temporary construction and display signs (as herein defined) in any zone without Public Hearing, for a period not exceeding thirty (30) days to be fixed by the City Manager (and in the event the City Manager shall fail to fix such thirty (30) day period, all such temporary signs shall be subject to removal upon the expiration of thirty (30) days from the date of the granting of permission), provided that the owner of the property shall make application and pay a license fee of Fifteen Dollars (\$15.00) for each such sign (subject to waiver of this fee by the City Manager for purely charitable enterprises), and provided further that the plan of construction thereof and specifications shall be approved by the Director of Planning and Development and the application shall contain the agreement of the owner to hold the City of Webster Groves harmless of any damages resulting to any person by reason of the maintenance of such signs; provided further that such temporary display signs shall not exceed twelve (12) square feet and construction signs shall not exceed six (6) square feet total area.

Section 53.205 Additional Minimum Street Setbacks.

Irrespective of the foregoing provisions of this Zoning Code, on the following streets no building shall be erected closer to the centerline of the street than the setback herein established:

a. **Berry Road**

Thirty (30) feet on the east side of centerline from the intersection with Big Bend Boulevard to Algonquin Lane.

b. **Big Bend Road**

1. Forty (40) feet each side of centerline from city Limits to a point five hundred (500) feet southwesterly from Dale Avenue.
2. Thirty (30) feet each side of centerline from a point five hundred (500) feet southwesterly from Dale Avenue to the intersection with Lockwood Avenue.
3. Forty (40) feet each side of centerline from the intersection of Lockwood Avenue to the intersection with Maple Avenue.
4. Thirty (30) feet each side of centerline from the intersection of Maple Avenue to the intersection of Gray Avenue.
5. Forty (40) feet each side of centerline from the intersection of Gray Avenue to the western City Limits.

c. **Bompart Avenue**

Thirty (30) feet each side of centerline from Marshall Avenue to Big Bend Boulevard.

d. **Brentwood Boulevard**

Forty (40) feet each side of centerline from the northern city limits to the intersection with Elm Avenue.

e. **Edgar Road**

Thirty (30) feet each side of centerline from Big Bend Boulevard to U.S. Highway 66.

f. **Elm Avenue**

Forty (40) feet each side of centerline through its entire length.

g. **Glendale Road**

Thirty-five (35) feet each side of centerline from Edgar Road to the intersection with Rock Hill Road.

h. **Gore Avenue**

Thirty (30) feet each side of centerline from the intersection with Big Bend Boulevard on the north side of the St. Louis-San Francisco Railroad to the intersection with Big Bend on the south side of said railroad.

i. **Grant Road**

Thirty (30) feet each side of centerline from Big Bend Boulevard to the south City Limits.

j. **Key West Avenue**

Thirty (30) feet each side of centerline from the intersection with Marshall Avenue to the intersection with Big Bend Boulevard.

k. **Kirkham Avenue**

1. Forty (40) feet each side of centerline from the intersection with Elm Avenue to the intersection with Rock Hill Road.
2. Thirty (30) feet each side of centerline from the intersection with Rock Hill Road to the western City Limits.

l. **Laclede Station Road**

1. Thirty (30) feet each side of centerline from the northern City Limits to the intersection with Big Bend Boulevard.
2. Thirty (30) feet each side of centerline from eastern City Limits to the intersection with Big Bend Boulevard.

m. **Lockwood Avenue**

1. On the south side of Lockwood Avenue from Elm Avenue to Jefferson Road, the minimum setback shall be thirty-five (35) feet and between Jefferson and Rock Hill Road shall be a direct prolongation of the above to its intersection with the present south line of Lockwood Avenue and thence westward along this south line to Rock Hill Road.
2. On the north side of Lockwood Avenue from McClure Avenue to Rock Hill Road buildings may be erected to a line that is parallel to and seventy (70) feet distant from the building line described in subsection (1) above.

n. **Marshall Avenue**

Thirty (30) feet each side of centerline from the intersection With Key West Avenue to the intersection with Brentwood Boulevard.

o. **Moody Avenue**

Thirty (30) feet each side of centerline from the intersection of Elm Avenue to a point two hundred (200) feet west of Gore Avenue.

p. **Newport Avenue**

Thirty (30) feet each side of centerline from the intersection with Elm Avenue to the intersection with Laclede Station Road.

q. **Rock Hill Road**

Thirty (30) feet each side of centerline from the northern City Limits to the intersection with Big Bend Boulevard.

r. **Wilshusen Avenue**

Thirty (30) feet on the west side of centerline from the intersection with Big Bend Boulevard to the intersection with Murdock Avenue.

s. **U.S. Highway 66**

One Hundred (100) feet on the north side of the centerline from the eastern City Limits to the western City Limits.

Section 53.220. Accessory utility uses and facilities; all districts

Every public utility, cable company, video service provider and other users of the City rights-of-way or adjacent easements to provide services shall comply with the supplemental regulations in this section regarding the placement of accessory utility facilities on public or private property. Except where limited by other provisions of City ordinance, accessory utility facilities shall be subject to the following supplementary regulations:

- a. **Approval; Design; Location; Application; Notice.** The design, location, and nature of all accessory utility facilities on private or public property shall require approval of the City, which approval shall be considered in a nondiscriminatory manner, in conformance with this ordinance, and subject to reasonable permit conditions as may be necessary to meet the requirements of this ordinance. To that end, prior to any construction, excavation, installation, expansion or other work on any accessory utility facility, the facility owner shall apply to the City and submit detailed plans for the City's review and approval. Contemporaneous with such application, the facility owner shall provide notice to all property owners within one hundred and eighty-five (185) feet of the location of the proposed construction, excavation or other work. Such notice shall include a detailed description of the proposed work to be done, the exact location of proposed work and the anticipated time and duration of the proposed work. Notice shall be given at least five (5) business days prior to the commencement of any such work. In considering individual applications or multiple location applications, the City shall review the request to ensure the proposed accessory utility facilities do not impair public safety, harm property values or significant sight-lines, or degrade the aesthetics of the adjoining properties or neighborhood, taking into consideration reasonable alternatives. Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein. Unless otherwise prohibited, accessory utility facilities subject to this subsection may be located in minimum setback areas provided that all other requirements are met. To the extent permitted by Section 67.2707.1(3) R.S.Mo., the time, method, manner and location of facilities to be located in the rights-of-way may be established or conditioned by the City to protect the rights-of-way or to ensure public safety. An inspection fee shall be required as may be established by the City to reimburse the City for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law. Permit and inspection fees shall be as provided for in Chapter 10 (excavation) and Chapter 20 (building) of the City Code.
- b. **General Regulations.** The following general regulations apply to all accessory utility facilities:

1. All such facilities shall be placed underground, except as otherwise provided in subsections (b), (c) and (d) herein or as approved by conditional use permit.
2. All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.
3. Abandoned facilities shall be removed within thirty (30) days thereafter at the cost of the utility. All facilities for which use has commenced shall be deemed abandoned after six (6) continuous months of non-use. Land from which abandoned facilities are removed, whether private or public property, shall be restored within thirty (30) days of removal by the facility owner or have costs of such remedies charged to the facility owner. The facility owner shall restore the land using similar plantings or sod of the same type of grass immediately surrounding the land and shall replace all existing plantings damaged by the removal work with like plantings and shall replace all damaged existing grass areas with sod of the same type of grass as was damaged.
4. Unless otherwise restricted, utility poles for authorized above ground lines or facilities shall be permitted up to forty-five (45) feet in height where utilities are not otherwise required to be placed underground; provided that such poles shall be no higher than necessary, maintained so as to avoid leaning from upright position, and without use of guy wires crossing rights-of-way or pedestrian routes except where approved by the City as necessary due to the lack of feasible alternatives.
5. Accessory utility facilities placed in designated historic areas may be subject to additional requirements regarding the placement and appearance of facilities as may be necessary to reasonably avoid or reduce any negative impact of such placement.
6. Any damage to landscaping or vegetation on private or public property during installation or maintenance of facilities shall be remedied by the facility owner within thirty (30) days of such damage.
7. No facility may be located so as to interfere, or be likely to interfere, with any public facilities or use of public property or contrary to any sight distance regulation of the City.
8. All such facilities proposed to be located within a historic district or landmark shall be required to obtain a certificate of appropriateness in accordance with the provisions set forth in Chapter 52 of the City Code.
9. All utility facilities not authorized by this subsection or specifically addressed elsewhere in this Code shall be authorized only by a conditional use permit pursuant to this Chapter 53, or otherwise authorized pursuant to Section 12.020 "Location of Facilities" and Section 20.555 "Underground Utility Service Lines," incorporated herein.

- c. **Residential Districts.** In residential districts and rights-of-way adjacent thereto, accessory utility facilities less than three and one-half (3.5) feet in height and covering less than eight (8) square feet in area may be installed above ground with the prior approval of the City. Except as otherwise may be authorized herein, any larger facility shall be installed underground or authorized to be installed above ground only by conditional use permit. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public rights-of-way unless otherwise approved by the City upon a determination that all other alternatives are not feasible. In determining whether a front yard installation is permissible, the City shall employ the criteria for determination of variances set forth in Section 53.307(b) of the Zoning Code. Any installation located within a side or rear yard shall meet the setback requirements for accessory structures.
- d. **Non-Residential Districts.** In non-residential districts and rights-of-way adjacent thereto, accessory utility facilities with a height of less than five (5) feet and covering less than sixteen (16) square feet in area may be installed above ground with the prior approval of the City. Except as otherwise may be authorized herein, any larger facility shall be installed underground or authorized to be installed above ground only by conditional use permit. All above ground facilities, where authorized, shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical, then such facilities may be located in the side yard. Such facilities shall not be located in the front yard or within the public right-of-way unless otherwise approved by the City upon a determination that all other alternatives are not feasible. In determining whether a front yard installation is permissible, the City shall employ the criteria for determination of variances set forth in section 53.307(b) of the Zoning Code.
- e. **Landscape Screening.** A sight-proof landscape screen shall be provided for all authorized above ground facilities taller than two (2) feet in height or covering in excess of four (4) square feet in area. Such screen shall be required to sufficiently conceal the facility. A landscape plan identifying the size and species of landscaping materials shall be submitted by the accessory utility facility owner and approved by the City prior to installation of any facility requiring landscape screening. The accessory utility facility owner shall be responsible for the installation, repair, maintenance, or replacement of screening materials. Alternative screening or concealment may be approved by the City to the extent it meets or exceeds the purposes of these requirements. Alternative screening or concealment may be required by the City to the extent it is located in a historic district or other prominent location. Facilities located in rear yards may be exempted from screening where located so as not to be visible from (1) any public property and (2) more than two residential dwelling units. Any required screening shall be completed within the timeframe set forth in the permit required under this Section, or not less than thirty (30) days from issuance of the permit, if not otherwise stated.
- f. **Compliance With Other Laws.** All accessory utility facilities shall be subject to all other applicable regulations and standards as established as part of the City Code, including but not limited to building codes, zoning requirements and rights-

of-way management regulations in addition to the supplementary regulations herein. The provisions of this Section shall not apply to any circumstance or entity in which application under such circumstances is preempted or otherwise precluded by superseding law or to the extent a City officer charged with enforcement reasonably determines that public safety would be negatively impacted by any specific application. When a conflict occurs between the provisions of this section and other regulations of the City Code, the most restrictive shall apply. (Ord. No. 8721, § 3, 6-21-2011)

Section 53.221. Wireless Telecommunications Facilities Code.

Sections 53.221 through 53.229 shall be known and may be cited as the “Wireless Telecommunications Facilities Code” of the City of Webster Groves, Missouri.

Section 53.222. Purpose.

The purposes of this Wireless Telecommunications Facilities Code are to:

- a. Provide for the appropriate location and deployment of wireless communications infrastructure to better serve the citizens and businesses of the City of Webster Groves and the metropolitan St. Louis area;
- b. Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, landscape screening and innovative camouflaging techniques;
- c. Encourage the use of disguised support structures so as to protect the architectural and scenic quality of the City;
- d. Comply with applicable law including the Federal Telecommunications Act of 1996, 47 USC 332, and the Missouri Uniform Wireless Communications Infrastructure Deployment Act, 67.5090 et seq RSMo.

Section 53.223. Use Regulations.

Permitted, conditional and accessory uses are permitted as follows in all non-residential zoning districts:

Permitted Uses.

Satellite earth stations less than six (6) feet in diameter and receive-only home television antennae are allowed as accessory uses in all districts without any permit and wireless facilities and support structures which meet any of the following criteria may be constructed, repaired or modified upon receipt of a building permit issued by the Director of Planning and Development:

- a. Collocation and replacement applications, provided that no permit may be issued for collocation to a certified historic structure as defined in section 253.545 RSMo until at least one public hearing has been held by the Director within 30 days

prior to issuance. The Director shall provide public notice of such public hearing in the same manner as required for proposed zoning code changes. Such applications are subject to General Condition F.1. of this section, but no other zoning or land use requirements, including design or placement requirements, or public hearing review.

- b. The mounting of wireless facilities in or on the roof of any existing building other than a single-family residence, provided that the building was not constructed primarily for the support of antennae and provided that the height of the facilities does not exceed twenty (20) feet from its mounting and that such use is not otherwise prohibited by ordinance.
- c. Wireless facilities or support structures for the operations of a commercial or public radio or television station licensed by the Federal Communications Commission or a local, state or federal law enforcement or emergency agency may be installed as permitted by law in non-residential districts.
- d. The installation or mounting of antennae on any electrical transmission towers located in any commercial zoning district of the city.
- e. The installation of a disguised support structure and related wireless facilities as part of a building or structure that is otherwise allowed in the district in which located.
- f. Wireless facilities or support structures for the operation of a licensed amateur radio facility within the city. The permit application must be accompanied by proof that the applicant or an occupant of the property is a licensed amateur radio operator.
 1. The Director shall issue an amateur radio antenna/ structure permit if it is determined that: (a) any antenna(s) mounted on a roof shall not extend more than sixty-eight (68) feet above grade; (b) any tower-mounted antenna(s) shall not extend more than sixty-two (62) feet above grade when fully extended; and (c) the requirements of this section regarding location, structural components and wiring are complied with. Permits for ground mounted antennas and supports intended exclusively for the support of wire antennas which are so erected as to be readily capable of being relocated from time to time shall describe the area within which such an antenna or support may be positioned.

2. Any person desiring to install, erect or maintain an amateur radio antenna at any height greater than set forth in the preceding subsection shall file an application therefor with the Board of Adjustment. No fee shall be required for this application. The Board of Adjustment may grant a permit to allow construction to such height as it shall determine if it finds that topographical circumstances or other operational parameters of the antenna(s) and the associated radio equipment so require and that there are adequate provisions to protect adjoining properties.

3. Wireless facilities or support structures for licensed amateur radio uses that are ground-mounted shall be located in the rear of the lot between the rear line of the principal building on the lot and six (6) feet from the rear lot line. No such antenna, nor any portion of any base or support therefore, may be closer than six (6) feet to any lot line; provided, further, that on corner lots no antenna may be closer to any street than the principal building.

Conditional Uses. The following uses are permitted under requirements specified in Section 53.170. et seq.

All wireless facilities and support structures to be installed, built or otherwise modified that are not expressly permitted by the permitted uses herein, and not prohibited below

Prohibited Uses Except as otherwise permitted above:

- a. No wireless facilities or support structures shall be permitted in residentially-zoned districts, other than for licensed amateur radio uses.

- b. No wireless facilities or support structures shall be permitted to have a total height in excess of one hundred (100) feet.

- c. Wireless facilities installed on a building shall not exceed twenty (20) feet from the highest point of the building, other than for licensed amateur radio uses.

- d. Unless a disguised support structure is in the form of a standard outdoor advertising structure, the placement of advertising or signs on wireless support structures is prohibited.

Section 53.224. Dimensional Regulations.

- a. Wireless support structures, except disguised support structures, shall not be located within two hundred (200) feet of any residential structure.
- b. All wireless support structures, except disguised support structures, shall be separated from any residential structure at least a distance equal to the height of the support structure plus ten feet. Support structures on parcels adjacent to residentially-zoned property shall, at a minimum, meet the setbacks of the applicable zoning district as required for the principal structure along the adjoining property lines. No support structure may be placed on residentially-zoned property closer to any residential structures on adjoining properties than the distance from the support structure to the principal structure located on the lot on which the support structure is located.

Section 53.225. Development Standards.

- a. *Building Codes and Safety Standards.* All wireless facilities and support structures shall meet or exceed the standards and regulations contained in applicable state and local building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering.
- b. *Regulatory Compliance.* All wireless facilities and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other federal or state agency with the authority to regulate such facilities and support structures. Should such standards or regulations be amended, then the owner shall bring such facilities and support structure into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless a different date is established by the controlling agency.
- c. *Supports.* No more than one antenna tower may be erected on any lot in the city; provided, however, that a support used exclusively for the support of a wire antenna for a licensed amateur radio facility and being no wider than six (6) inches at grade and having a height no greater than fifty (50) feet above grade shall not be considered as an antenna tower for purposes of calculating the permitted number of such towers under this subsection.
- d. *Lighting.* Wireless facilities and support structures shall not be illuminated at night unless required by the FAA or other federal or state agencies, in which case, a description of the required lighting scheme will be made a part of the application.

e. Design

1. Wireless facilities and support structures should, to the extent reasonably possible, be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses already in the area or likely to exist under the regulations of the underlying zoning district.
2. Wireless support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the FAA, FCC or any other applicable federal or state agency, be painted a neutral color consistent with the natural or built environment of the site.
3. Wireless facilities other than antennae shall have an exterior finish compatible with the natural or built environment of the site, and shall also comply with such other reasonable design guidelines as may be required by the city.
4. Wireless facilities mounted on buildings should be made to appear as unobtrusive as possible by location as far away as feasible from the edge of the building and by making them a color consistent with the natural or building backdrop.
5. Wireless facilities shall be screened by appropriate landscaping and/or fencing. Wireless support structures shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet tall and deciduous trees not less than two and one-half (2½) inches in caliper at time of planting.
6. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative masonry fence or wall may be approved by the city upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
7. All wiring to or from ground mounted antennas or antenna towers located more than five (5) feet from the nearest building wall shall be underground; provided, however, that feed lines to and from antennas for licensed amateur radio facilities which must be open to the air in order to operate as designed (so called "open wire feed lines") need not be enclosed or located underground.

f. Miscellaneous

1. For any guyed wireless support structure, ground anchors shall be located on the same parcel as the structure and such anchors shall meet the setbacks required for accessory buildings within the zoning district.
2. Vehicle or outdoor storage on the site of any wireless facilities or support structure is prohibited.
3. On-site parking for periodic maintenance and service shall be provided at all locations of wireless facilities and support structures.
4. Any wireless facility or support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the city with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the facility and/or support structure. In the case of co-use, this provision shall not become effective until all users cease operations. Any wireless support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the city at the owner's expense. Removal of facilities shall not be a condition of approval of any application.
5. Prior to the issuance of a building or conditional use permit, other than for a collocation or replacement application, the city may require submittal of easement documents, lease agreements or other documentation of evidence of the right to utilize the property for location of wireless facilities and/or support structures.

Section 53.226. Time Limits.

All applications regarding wireless facilities and support structures shall be processed in accordance with the time limits established by sections 67.5090 to 67.5103 RSMo.

Section 53.227. Fees.

Fees for applications regarding wireless facilities and support structures shall not exceed the limits established by sections 67.5090 to 67.5103 RSMo.

Section 53.228. RESERVED.

Section 53.229. RESERVED.

(Ord. No. 8853, § 1, 8-19-2014)

ARTICLE VII: Planned Districts**Section 53.230. “B1” Planned, Multiple Family Residence District Requirements.**

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the “B1” Planned, Multiple Family Residence District.

Section 53.231. “B1” Purpose.

In order to provide for apartments of integrated design and appropriate locations, the “B1” Planned Multiple Family Residence District is hereby established. Such district shall be laid out and developed as a unit according to an approved plan as provided below so as to accomplish such purpose.

Section 53.232. “B1” Use Regulations

- a. The owner of any parcel of land may submit to the City Council a plan for the use and development of all or part of such parcel for the purpose of meeting the requirements set forth in this section. The plan shall be referred to the Plan Commission for study and report and for public hearing. The Commission shall determine the suitability of a planned residence district based on the criteria herein established and that required for conditional use permits, as established in Section 53.173. Notice and publication of such public hearing shall conform to the procedures for hearings on amendments prescribed in Section 53.801. If no report is transmitted by the Plan Commission within sixty (60) days of notification, the City Council may take action without further awaiting such report. If the Plan Commission approves the plans, they shall be submitted to the City Council for their consideration and action.
- b. Within the “B1” Planned Multiple Family Residence district, a building or premises may be used only for apartments, parking areas and other facilities ordinarily incidental to garden apartment uses. The apartment area shall be designed as a whole, unified single project in compliance with the following minimum requirements, and, if built in stages, each stage shall conform with the approved plan.
- c. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions with an exception granted under the provisions of Section 53.307 c.6. (see Sections 53.221 et seq for the requirements for this use)

Section 53.233. "B1" Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code except as noted below.

- a. Off street parking spaces shall be provided in the ratio of not less than one and one-half (1 1/2) parking spaces for each dwelling unit; such parking is to be located in the side or rear yard and accessible to the street by a one way drive around the building or buildings, or by a two-way drive on one side. If garages or carports are provided, not more than forty percent (40%) of the required rear yard shall be covered by such structures. No driveway or parking space shall be closer than ten (10) feet to any side or rear lot line.

Section 53.234. "B1" Dimensional Regulations.

- a. **Height.** The height of buildings shall not exceed three stories except that buildings with a twenty percent (20%) or less lot coverage may be erected to a height not to exceed four stories.
- b. **Front Yard.** The front yard requirement for new construction shall be no less than thirty (30) feet from the front property line and if required by the Plan Commission, shall be forty (40) feet from the front property line. In addition, in the case of property having a frontage on two streets or at an intersection, the Plan commission may require a front yard of not less than thirty (30) nor more than forty (40) feet from the front property line on each intersecting street or each street comprising the corner on which the premises are located.
- c. **Side Yard.**
 1. A building with an entrance or entrances facing the side yard shall have a minimum distance from the side lot line of seventeen (17) feet and all other building faces shall have a minimum side yard of ten (10) feet from the side lot line.
 2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot.
- d. **Rear Yard.** All rear yards shall have a minimum depth of forty (40) feet.
- e. **Intensity of Use.** The aggregate gross area of the building or buildings shall not exceed thirty percent (30%) of the entire lot area with a minimum of one thousand two hundred (1,200) square feet of lot area per family.
- f. **Yard Projections**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.
3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

g. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

h. Open Space

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.235. “B1” Performance Standards.

- a. All roads, parking areas and walks shall be paved with hard surfaced material meeting application specifications of the city.
- b. No expansion or conversion of an existing structure for multiple family shall be permitted except on the basis of a detailed site plan to be approved by the City Plan Commission, showing the relationship of yards, off street parking, and other open spaces, to surrounding property and shall comply with these regulations as in the case of new construction.

- c. Any part of the project area not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees, shrubs and, where needed, pedestrian walk.
- d. Reasonable additional requirements as to landscaping, lighting, screening, access ways, building distances and yard limitations may be imposed by the City Plan Commission for the protection of adjoining residential property.
- e. If the Plan Commission believes proof of financial responsibility of the applicant or developer is in the best interests of the City, the Plan Commission may require the applicant to submit such proof to the Director of Finance for his approval and certification to the Plan Commission.

Section 53.236. “B1” Variances.

The City Plan Commission may vary or modify those requirements of Section 53.230 et seq., the strict enforcement of which would entail unusual or real difficulties in carrying out the intent of Section 53.230 et seq. The City Council may, by three fourths (3/4) vote of the whole membership of the Council, modify the report of the Plan Commission in the event the Council feels that unusual or real difficulties in carrying out the intent of this section are contained in the recommendations of the Plan Commission.

Section 53.237. “B1” Construction Deadlines.

In the event the apartments are not constructed within three (3) years after a change in zoning is granted, said premises shall revert to the same zoning classification existing prior to the change to the “B1” Planned Multiple Family Residence District and the District Regulations in force, prior to the establishment of the Planned Residence District, shall thereupon be in full force and effect.

Section 53.238. “B1” Final Development Plan.

A final development plan shall be filed with the City Plan commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance rezoning the property affected thereby. Said final development plan shall conform with the initial development plan required under this section, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the City Plan Commission, which are not inconsistent with the purpose or intent of this Section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council then, upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Zoning Code, enact an ordinance repealing said change of zoning.

Section 53.239. Reserved**Section 53.240. “B2” Multiple Family and Commercial District Requirements.**

The regulations set forth in this section, or set forth elsewhere in this Zoning Code, when referred to in this section, are the district regulations in the “B2” Multiple Family and Commercial District.

Section 53.241. “B2” Purpose.

In order to provide for apartments and limited commercial uses of integrated design, in appropriate locations, or in abutting C, D, or E Districts, the “B2” Multiple Family and Commercial District is hereby established. Each development in any such district shall be laid out and developed as a unit, according to an approved plan, as provided below, to accomplish the purposes hereinabove recited.

Section 53.242. “B2” Use Regulations

- a. The owner or agent, duly authorized in writing, of any lot or tracts of land may submit to the City Council a plan for the use and development of all, or any part of, such land, for the purpose of meeting the requirements established by this section. The plan shall be referred to the Plan Commission for study, public hearing and report. The Commission shall determine the suitability of the request for zoning the land to “B2” Multiple Family and Commercial District, based upon the requirements herein established, and those required for conditional use permits set out in Section 53.173. Notice and publication of such public hearing shall conform to the procedures for hearings on amendments prescribed in Section 53.801.
- b. Within the “B2” Multiple Family and Commercial District, a building or premises may be used for new apartments, parking area, facilities ordinarily incidental to apartment uses, and for commercial uses permitted in the “C” Commercial District. The area shall be designed as a whole, unified, single project in compliance with the following minimum requirements and, if built in stages, each stage shall conform with the approved plan.
- c. Wireless telecommunication towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions with an exception granted under the provisions of Section 53.307 c.6. (see Sections 53.221 et seq for the requirements for this use)

Section 53.243. “B2” Parking and Loading Regulations.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 53.180 of the City of Webster Groves Code except as noted below.

- a. Off street parking spaces shall be provided in the ratio of not less than one and one-half (1 1/2) parking spaces for each dwelling unit and one parking space for every three hundred (300) square feet of floor area used for commercial purposes; such parking is to be located underground, or on any floor within the

building, or in the side or rear yard and accessible to the street by a one-way drive around the building or buildings, or by a two-way drive on one side. If garages or carports are provided, not more than forty percent (40%) of the required rear yard shall be covered by such structures. No driveway or parking space shall be closer than ten (10) feet to any side or rear lot line.

Section 53.244. "B2" Dimensional Regulations.

- a. **Height.**
- b. **Front Yard.** The front yard requirements for new construction shall be no less than forty (40) feet from the front property line and, if recommended by the Plan Commission and required by the Council, shall be fifty (50) feet from the front property line. In the case of property having a frontage on two (2) streets, or at an intersection, the Plan Commission may recommend or the Council may require a front yard of not less than forty (40) feet, nor more than fifty (50) feet, from the property line on each street, or on each intersecting street comprising the corner on which the premises are located.
- c. **Side Yard.**
 - 1. Each side yard shall have a minimum distance from the side lot line of twenty (20) feet.
 - 2. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one (1) building occupying one (1) lot.
- d. **Rear Yard.** All rear yards shall have a minimum depth of forty (40) feet.
- e. **Yard Regulations.** The front, side and rear yards required in subsections above shall not apply to one story structures where the yard abuts a "C", "D", or "E" District. The yard requirements do not apply to basements or below grade parking levels.
- f. **Intensity of Use.**
 - 1. Buildings shall not cover more than thirty percent (30%) of the lot or tract; provided that basements and below grade levels may equal one hundred percent (100%) of the lot or tract area. A minimum of five hundred (500) square feet of land area for each resident family shall be provided and maintained.
 - 2. The ratio of floor area of building, to the area of the lot or tract, shall not exceed (1.5); however, an additional (.1) may be permitted for one story structures. The floor area of the building shall be the gross horizontal areas of the several floors, excluding basements, cellars, areas within the building which are used for parking, and covered swimming pools or recreational areas, measured from the exterior faces of the exterior walls of the building.

g. Yard Projections

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.
3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

h. Retaining Walls

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

i. Open Space

1. In the event that a lot or tract is to be occupied by a group of two or more related buildings to be used for residential or institutional purposes, there may be more than one (1) main building on the lot, provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of thirty (30) feet for one story buildings, forty (40) feet for two story buildings, and fifty (50) feet for three story buildings.

Section 53.245. "B2" Performance Standards.

- a. All roads, parking areas and walks shall be paved with hard surfaced material meeting application specifications of the city.
- b. No expansion or conversion of an existing structure shall be considered as complying herewith.
- d. Any part of the area not required to be used for buildings or structures, or for parking, loading or access ways shall be landscaped with grass, trees, shrubs and, where required, pedestrian walks.

- e. Additional requirements for landscaping, lighting, screening, access ways, building distances and yard limitations may be recommended by the City Plan Commission for the consideration of the City Council for the protection of nearby residential uses.
- f. If the City Plan Commission or Council believes proof of financial responsibility of the applicant, or developer, is in the best interests of the City, they may require the applicant to submit such proof to the Director of Finance for his approval.

Section 53.246. “B2” Variances.

The City Plan Commission may recommend to the Council that it vary or modify those requirements of Section 53.240 et seq., the strict enforcement of which would entail unusual or real difficulties in carrying out the intent of Section 53.240 et seq., and the City Council may approve, modify or reject any such recommendations.

Section 53.247. “B2” Construction Deadlines.

In the event construction has not been initiated and in process of reasonable completion within one (1) year after the change in zoning is granted, the Council may, by ordinance, rezone the land to its former zoning classification.

Section 53.248. “B2” Final Development Plan.

A final development plan shall be filed with the City Plan commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance rezoning the property affected thereby. Said final development plan shall conform with the initial development plan required under this section, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the City Plan Commission, which are not inconsistent with the purpose or intent of this Section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council then, upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Zoning Code, enact an ordinance repealing said change of zoning.

Section 53.249. Reserved

Section 53.250. Educational Campus Districts (“EC”).

Section 53.251. Levels of Regulation and Purpose.

Levels of Regulation: The Educational Campus (“EC”) Districts provide three (3) levels of regulation, each which requires legislative approval. The first and second are a set of base regulations for each of two sub-districts, “EC-1” and “EC-2” that provide for a certain intensity of development by-right. Each sub-district is designed to address different levels of intensity of use and population based on, among other things, the character of the surrounding neighborhoods, with lower density development intended for land that is primarily bounded by single-family residential uses.

The third is a set of regulations that provide for a Campus Master Plan (“CMP”) process for either “EC-1” or “EC-2” and that creates regulations that allow for greater flexibility in the development and expansion of an “EC” campus that can vary from the base district regulations regarding dimensional restrictions and some variation in the types of uses permitted so as to achieve better use of land than may be possible through the strict application of standard zoning and subdivision controls, while also insulating or buffering Educational Facility uses from adjoining uses, and most particularly from single-family residential uses. This third set of regulations is referred to herein as a Major Educational Campus (“MEC”) District, which allows certain variations from the “EC-1” and “EC-2” base district regulations. In order to take advantage of the provisions of an “MEC” District, an Educational Facility may apply for approval of a CMP, and once a CMP is submitted and legislatively approved, the development of the campus subject to the CMP will proceed in accordance with the CMP rather than the “EC” base district regulations. Any campus that is rezoned through the “MEC” District process may thereafter only be amended in accordance with the provisions of Sections 53.258-53.260, as applicable, and any amendments shall include only those uses allowed as a matter of right, by a conditional use permit or as an accessory use as stated in the “EC-1” or “EC-2” district from which it originated.

General Statement of Purposeⁱ: The City of Webster Groves is one of the oldest communities in the State of Missouri and has grown in essential accord with its Comprehensive Plan. In order to preserve and protect the existing, virtually fully developed and predominantly residential character of the properties in the City; to maintain the Comprehensive Plan of the City; to regulate development; and to preserve and protect the public health, safety and well-being of the community as a whole, it is necessary to regulate building scale, open space and the intensity of the built-out environment.

The City of Webster Groves is experiencing unprecedented change in the development and growth of some of its key institutions. Within the past three decades, there has been significant growth of the built-out environment and an expansion of the boundaries of a number of these institutions. As a result, there is a real concern that a continuing increase in the scale and density of development – and the attendant traffic and parking congestion and population density in and near the City’s least developed single-family residential and historic districts – may dramatically alter or change the City’s long-established and essential character, unless such growth is properly managed and located.

Due to this expansion, there is also a concern about the loss of existing affordable housing stock, tax base and the impacts of infill development on the character and infrastructure in long-established neighborhoods. It has been determined that the construction of large scale institutional development may be appropriate in less developed, commercial or blighted areas of the region. These institutions are now being planned or constructed in areas more suited to less intensive institutional uses such as elementary, secondary or specialized institution uses. It is the intent of the City to maintain development of institutions in or near residential and historic districts at a scale suitable to the surrounding environment.

In addition, the purpose of district regulations for educational institutions having five or more acres of contiguous property is to encourage and allow more planned, creative and imaginative design of land development. These developments should simultaneously be

preserving the character of surrounding neighborhoods, particularly those with features of historical significance, and preserving public and private open and recreation spaces. These regulations will facilitate the efficient use of land that may not be possible through the application of traditional zoning district regulations. It is in the public interest of the City of Webster Groves to maintain an appropriate balance between building scale, intensity of development, traffic flow, parking demand and population levels in keeping with the environmental setting and character of the neighborhood.

Section 53.252. Procedures.

1. An "EC" District, whether controlled by the base district regulations or a CMP, is established by a zoning change initiated either by the City, the owner of a Campus, or by New Construction, as defined in this Chapter 53.
2. The base district regulations shall govern unless and until a CMP is approved. In order for a CMP to be approved, it must first be submitted in compliance with this Section 53.252 and with the internal policies and procedures of the Department of Planning and Development, which are hereby authorized to be established by the Director of Planning and Development ("Director"), from time to time. After the Director reviews and determines that the submittal for a proposed CMP is complete, the Director shall forward the submittal to the City Plan Commission for review and recommendation and then to the City Council for approval, denial, or modification.
3. A zoning map amendment shall accompany any change of zoning to an "EC" District.
4. **Condition precedent.** A condition precedent to approval of a rezoning to an "EC" District designation is that the primary use within the proposed area is an Educational Facility, as defined in this Code. An Educational Facility will follow the base district regulations unless a CMP is approved through the "MEC" process.
5. **Existing Conditional Use Permits.** All existing CUPs shall continue according to their terms and conditions, and shall be enforced as to both the benefits and obligations contained in such CUPs. Any provision of this Chapter notwithstanding, structural alterations that do not enlarge a structure shall not cause such a CUP to lose its legal, non-conforming status. New construction or uses not governed by CUPs lawfully granted as of the date of adoption of Ordinance 8851 shall only be allowed if they first comply with either the base district regulations or be approved by a CMP through the "MEC" process.
6. **Approved CMP supersedes base district regulations.** Once a complete CMP is reviewed and approved pursuant to Section 53.252 as submitted or as modified, development thereafter will proceed in accordance with the approved CMP recorded with the City Clerk rather than the base district regulations. During the CMP process, the City Plan Commission may recommend and the City Council may vary any of the base district dimensional regulations set forth herein and may approve those uses contained in the base district regulations of any "EC" District subject to the restrictions contained in subsections 53.254 a Permitted Uses #11 (Limited leasing) .

7. **Powers of City Plan Commission and City Council.** The City Plan Commission may recommend to City Council acceptance, rejection or modification of -- and the City Council shall have the right to use its legislative power to accept, reject or modify -- a submitted CMP. In the process of accepting, rejecting, or modifying a proposed CMP, the City Council shall take into account but not be bound by, the recommendations of the City Plan Commission.
8. **Site Plan Submission.** A Site Plan must be submitted to the City and approved in compliance with the regulations contained in this Chapter 53 before any footing, foundation or building permit may be issued for any new structure or addition in any "EC" District, regardless of whether the base district or MEC regulations apply.

Section 53.253. Subdivision Regulations Not Applicable.

Except with regard to permitted residential single family uses, properties zoned as "EC" District shall not be required to subdivide a campus into lots and shall not be required to adjust or eliminate internal property lines to permit construction of structures for uses authorized within the "EC" District base regulations or an approved CMP. No single-family residential use permitted in an "EC" district shall be constructed until the owner or qualified applicant has first complied with all subdivision, historic preservation and other land use regulations then in place.

Section 53.254. "EC-1", "EC-2" and "MEC" Districts, Specific Purposes & Use Regulations.

There shall be two discrete and separate districts for Educational Facilities to be known as the "EC-1" District and the "EC-2" District. Each has base district regulations that can only be modified through a Campus Master Planning process. After a CMP has been approved in accordance with this Chapter, the resulting district shall be known as an "MEC" District, and shall not be governed by the base district regulations but by the approved CMP.

Purpose of the "EC-1" District. The land use patterns of the City have a long, well-documented and storied history that makes it "different from any other suburb, perhaps in the world, certainly in the St. Louis County complex of more than 100 communities."ⁱⁱ For many decades, Webster Groves, located along the Missouri Pacific rail line with "32 accommodation trains daily," not only for the professionals and business persons, but for the convenience of families also,ⁱⁱⁱ allowed residents of the urbanized center of St. Louis to escape the then prevalent unhealthy conditions of city life to enjoy the cool green spaces graced by large lawns and mature trees with frame houses that had high ceilings and expansive front porches, all of which contributed to Webster Groves becoming known as "The Queen of the Suburbs."^{iv} Within the prevalence of relatively large residential lots, the mature tree canopy and the significant stock of older homes and historic districts, some of Webster Groves' well-known educational institutions took root and were established in a similar style, with gracious front lawns, well-spaced buildings that were appropriately set back from and respectful of the neighboring residential properties. Prominent among these were Eden Seminary, Edgewood Children's Center (Great Circle) and the Epworth Children and Family Services, all of which have remained relatively small, low-density uses that are highly compatible with the residential uses that

are predominant adjacent to their boundaries. Significantly, these institutions have maintained their large open spaces, low-intensity and low density uses into the 21st century. The “EC-1” uses include institutional uses similar to those lower intensity uses that have been located in the City for the last few decades. “EC-1” uses may also include, through a conditional use permit process, small-scale retail, student union, theater and auditorium uses that attract substantially less pedestrian or vehicular traffic than similar larger scale uses that may be allowed as a matter of right and customarily found and ancillary to “EC-2” type uses.

The "EC-1" District is established to preserve and protect long-established land use patterns and the character of the surrounding neighborhoods while providing for primary or secondary, private or parochial educational facilities that have no student housing and for low intensity educational facilities having limited student housing that could include housing for families of students; to allow for such other related uses which are of an educational nature and are compatible with the character and intensity of the surrounding properties; and to provide district regulations and development requirements consistent with these goals.

Purpose of the “EC-2” District. Some of the City’s other neighborhoods that contain prominent non-profit educational institutions developed more densely over the course of time and their immediately surrounding neighborhoods were transformed from residential into higher density uses characterized predominantly by institutional and commercial uses and transportation corridors for railroad and interstate highway uses. Successive aerial photographs from the 1930s to the present demonstrate steady growth and intensity of use and population south of Lockwood Boulevard, where the City’s High School, Nerinx Hall and Webster University have come to dominate a landscape that was once predominantly residential and wooded.

The "EC-2" District is established to allow a greater scope of uses, density of uses and population for an Educational Facility than is appropriate to an “EC-1” district. An “EC-2” District can include larger scale dormitory type student housing, larger scale student unions, lighted athletic fields and auditorium uses that attract substantially more pedestrian or vehicular traffic than similar smaller scale uses customarily found and ancillary to “EC-1” type uses. Additionally, in an “EC-2” District, theater and auditorium type uses leased out to third parties for events available to the public at large have historically been allowed as accessory uses in more densely developed areas appropriate to an “EC-2” designation.

Purpose of the “MEC” District. The purpose of the “MEC” District is provide an a Campus Master Plan process through which the City Plan Commission may recommend and the City Council may: i) vary any of the base district dimensional regulations set forth herein and ii) may approve those uses contained in the base district regulations of any “EC” District subject to the restrictions contained in subsections 53.254 a. Permitted Uses #11 (Limited leasing). This procedure is intended to apply to the initial review of a Campus Master Plan and any subsequent amendments to a Campus Master Plan or Section Plan.

Types of Uses Allowed and Prohibited

The permitted, conditional, accessory, temporary and prohibited uses are listed below for both the “EC-1” and “EC-2” Districts.

a. **“EC-1” Educational Campus**

Permitted, conditional and accessory uses are as follows:

Permitted Uses.

1. Educational Facility, Elementary
2. Educational Facility, Secondary
3. Educational Facility, Seminary
4. Educational Facility, Special Needs
5. Educational Facility, Small College
6. Educational Facility, University limited to the following:
 - A. Administrative offices that provide required parking on site and not as a part of the general pool of campus parking.
7. Single-Family Dwellings on lots not less than the minimum square footage of the residentially zoned District that immediately preceded the rezoning to an “EC” District classification by Ordinance #8852.
8. Places of Worship
9. Parks, Playgrounds, and Unlighted Athletic Fields
10. Surface Parking Lots not exceeding 10% of required parking; surface parking lots exceeding 10% of the required parking must follow the procedure in Section 53.185. et seq.
11. Limited Leasing for any “EC-1” or “EC-2” Use. The primary use of any campus in an “EC” District classification may be supplemented by the leasing of existing structures for any “EC-1” or “EC-2” use, whether permitted, conditional or accessory, through either the base district regulations or a CMP process, and shall be treated as an allowed primary use, subject to the following conditions:
 - A. Leasing of property within an “EC-1” District for use taken from the category of conditional uses allowed in either an “EC-1” or “EC-2” district will be granted only in the following manner:
 - (i) If a CUP has been lawfully granted as of the date of adoption of Ordinance 8851, then the uses allowed in such CUP may be used by a lessee to the extent permitted in such CUP and the regulations following in this section;
 - (ii) If the intended leased use exceeds the scope of such a CUP or in a case where no CUP had been granted as of the date of the adoption of Ordinance 8851 to allow the

intended lease use, then the applicant must first meet its burden of proof and persuasion as set forth in 53.170 et seq. before such a leased use shall be allowed; and

- B. Up to thirty-five (35) percent of the gross square footage of the existing or approved structures on the campus at the time of adoption of Ordinance #8851 shall be the maximum square footage allowed to be leased. All uses must be able to be parked on the campus based on the parking regulations in section 53.182. The percentage of the gross square footage leased pursuant to this subsection 53.254.a.11 shall be counted against the maximum square footage devoted to uses that are accessory to the primary use of any campus zoned EC-1 or EC-2; and
- C. Up to fifty (50) percent of the approved Student Housing beds on the campus or one hundred (100) beds, whichever is less. The gross floor area actually used for the Student Housing shall be deducted from the maximum square footage set forth in subsection B immediately above; and
- D. No more than fifty (50) percent of the maximum square footage allowed for leased uses can be used for any single category of use with the exception of student housing beds; and
- E. The maximum square footages contained herein may not be altered through a CMP process, notwithstanding any provision in this Chapter to the contrary.

Conditional Uses. The following uses may be permitted under requirements specified in Section 53.170. et seq. More than one conditional use may exist concurrently on a campus provided all other requirements of this Article VII of Chapter 53 are met.

- 1. Day care and nursery school facilities
- 2. Student Housing, the primary use of which is as an Educational Facility, Special Needs
- 3. Student Housing, the primary use of which is as a Seminary or Small College limited to a maximum of 300 beds on a campus including the following:
 - A. Dormitories
 - B. Fraternity/Sorority House
 - C. Apartments

4. Faculty Housing
5. Long-term care facilities
6. Athletic Facilities
7. Antenna structures greater than sixty-five (65) feet in height
8. Storage Facilities exceeding 1,000 Sq. Ft.
9. Public utility facilities
10. Solar collectors

Accessory Uses – Planned, Institutional and Educational Districts. Subject to compliance with the procedures of this section, accessory uses include the following:

1. Public interest events including but not limited to outdoor concerts, auctions and fireworks displays. Special Activities Permit is required for these events.
2. Storage Facilities not exceeding 1,000 Sq. Ft.
3. Administrative offices, the primary use of which is as a non-commercial purposes for not-for-profit institutional entities not exceeding 5,000 square feet for any one user.
4. Such other further accessory uses may be approved by the Director of Planning and Development upon a showing by a preponderance of evidence that a proposed accessory use is customarily incident to, reasonably necessary to, and subordinate to the primary educational use.
5. Student Bookstore, the primary use of which is as an Educational Facility, Small College or Seminary
6. Student Union, the primary use of which is as an Educational Facility, Small College or Seminary

b. “EC-2” Educational Campus

Permitted, conditional and accessory uses are as follows:

Permitted Uses.

1. Any use permitted in the “EC-1” District, including the limited leasing uses allowed therein
2. Educational Facility, University
3. Auditoriums

4. Theaters
5. Student Bookstore
6. Student Union
7. Surface Parking Lots or Structured Parking Facilities not exceeding 10% of required parking; surface parking lots or structured parking facilities exceeding 10% of the required parking must follow the procedure in Section 53.185. et seq.

Conditional Uses. The following uses may be permitted under requirements specified in Section 53.170. et seq. More than one conditional use may exist concurrently on a campus provided all other requirements of this Article VII of Chapter 53 are met.

1. Day care and nursery school facilities
2. Student Housing limited to a maximum of 1,400 beds on the campus including the following:
 - A. Dormitories
 - B. Fraternity/Sorority House
 - C. Apartments
3. Faculty Housing
4. Long-term care facilities
5. Athletic Facilities
6. Antenna structures greater than sixty-five (65) feet in height
7. Storage Facilities exceeding 1,000 Sq. Ft.
8. Public utility facilities
9. Solar collectors

Accessory Uses – Planned, Institutional and Educational Districts. Subject to compliance with the procedures of this section, accessory uses include the following:

1. Public interest events including but not limited to outdoor concerts, auctions and fireworks displays. Special Activities Permit is required for these events.
2. Storage Facilities up to a maximum 1,000 Sq. Ft.

3. Administrative offices, the primary use of which is as a not-for-profit use up to a maximum of 5,000 square feet.
4. Such other further and Accessory Uses – Planned, Institutional and Educational Districts may be approved by the Director of Planning and Development upon a showing by a preponderance of evidence that a proposed accessory use is customarily incident to, reasonably necessary to, and subordinate to the primary educational use.

d. Temporary & Prohibited Uses – All “EC” Districts

Temporary Uses.

The following temporary uses are permitted subject to the regulations and standards set forth below. No temporary use shall be established unless a temporary use permit evidencing the compliance of such use with the applicable provisions of this Section 53.250 et seq. shall have first been issued, in the same manner as provided in Chapter 20, “Building Code”, of the City of Webster Groves

1. Contractors offices, temporary restrooms or temporary buildings related to construction provided that such buildings:
 - A. Are incidental to a construction project on the same development as the temporary building and do not contain sleeping or cooking accommodations; and
 - B. Are not located closer than fifteen (15) feet to any exterior perimeter property lines of the development provided, however, the distance can be less than fifteen (15) feet if approved by the Director of Planning and Development; and
 - C. Are removed upon completion of the construction project.
2. Temporary parking and access roads related to construction provided:
 - A. Such temporary parking is incidental to a construction project on the same development and is used solely to provide parking displaced during the period of construction and/or parking needed for construction itself;
3. Public interest events such as outdoor concerts, auctions and fireworks displays.

Section 53.255. “EC” Parking and Loading Regulations.

- a. Sufficient off-street parking for each permitted use and conditional use within an educational campus shall be located within the campus, in accordance with Section 53.180 et. seq.
- b. A Traffic Study may be required in other situations but, shall be provided for the increase or relocation of more than twenty percent (20%) of the overall campus

parking for the “EC-1”; and for the increase or relocation of more than ten percent (10%) of the overall campus parking for “EC-2”.

- c. A Parking Analysis identifying the existing parking and required parking shall be provided concurrent with each application for a building permit involving new construction or renovation for housing, office, classroom, lab, or assembly seating; or for the removal of existing off-street parking. No permit may be issued if the calculated requirement for parking exceeds the available supply of off-street parking. Once an Analysis is provided for a building or campus, only proposed changes to square footage and parking will be required as an update with each subsequent permit.
- d. The City Council may require the preparation of revised calculations if it determines, regardless of the calculated requirements for parking that parking deficiencies exist within the Educational Campus District. Such determination may be in the form of a Resolution or Motion, which shall identify the parking deficiencies.

Section 53.256. “EC-1” and “EC-2” Dimensional Regulations.

All dimensional regulations are applicable in all “EC” Districts except as otherwise specified in this Section.

a. **Height.**

- 1. No Single-Family Dwelling shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height.
- 2. No Educational Facility, Elementary and Educational Facility, Secondary shall exceed three (3) stories or forty-five (45) feet in height.
- 3. No Educational Facility, Special Needs; Educational Facility, Seminary or Educational Facility, Small College; Educational Facility, University shall exceed:
 - A. Three (3) stories or forty-five (45) feet if within fifty (50) feet of single-family property not within the educational zone.
 - B. Four (4) stories or fifty-six (56) feet at any front building line, or at any rear building line adjacent to a non-single-family property not within the educational zone.
 - C. No building shall exceed five (5) stories or seventy (70) feet in height within the campus boundaries.
- 4. Allowable building heights may increase two (2) feet for each additional foot of setback from the limits imposed in this section, to the maximum allowable height of seventy (70) feet.
- 5. Places of Worship may be erected to a height not exceeding seventy five (75) feet if the building is set back from each yard line at least one (1) foot

for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

6. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be erected to a height of fifteen (15) feet above the applicable allowed maximum height. Architectural Review Board shall determine whether appropriate screening is required for any of the items listed in this subsection 6.

b. Front Yard.

1. There shall be a front yard having a depth of not less than thirty (30) feet for Single-Family Residential and not less than sixty (60) feet for Educational Facilities.
2. For properties in a City or National Historic District, there shall be a front yard having a depth of not less than one hundred forty (140) feet unless otherwise permitted with a certificate of appropriateness from the HPC. This is provided in giving further consideration of the character of the historic district and setting of the location of structures.
3. Along streets internal to a campus where educational property fronts educational property, the setback shall be thirty (30) feet.
4. The front yard setback requirement for buildings adjacent to vacated or private drives shall be zero.
5. Where lots have a double frontage, the required front yard shall be provided on both streets.
6. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.
7. A dwelling that existed as of the date of this amendment may be enlarged, provided the proposed addition does not extend into any required front yard(s) a distance greater than the original dwelling structure.
8. An open unenclosed porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet.

c. Side Yard.

1. There shall be a side yard on each side of the building having a width of not less than twelve (12) feet for Single Family Residential.

2. There shall be a side yard having a width of not less than forty (40) feet for Educational Facilities adjacent to residentially zoned property and five (5) feet for Educational Facilities adjacent to non-residentially zoned property.
3. Interior Side Yard: None, unless abutting a residential district, then 40 feet plus two additional feet for each foot in the height of the structure in excess of 45 feet

d. **Rear Yard.**

1. There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided such rear yard need not exceed forty (40) feet but it shall not be less than thirty (30) feet for Single Family Residential.
2. The minimum rear yard setback for Educational Facilities adjacent to property not within the educational campus shall be forty (40) feet for single-family residential properties, and ten (10) feet for any non-single-family properties.
3. When the property shares a common boundary with a railroad right-of-way or interstate highway right-of-way, the minimum rear yard setback shall be zero for that shared boundary.

e. **Lot Area.** Every lot or tract of land shall have an area of not less than the following:

1. The minimum lot area shall be 5 contiguous acres for an "EC-1".
2. The minimum lot area shall be 10 contiguous acres for an "EC-2".
3. For purposes of calculating the minimum lot area only, property on both sides of a street shall be considered contiguous.

f. **Uses allowed by Conditional Use Permit** shall have front, side, and rear yards as approved for the specific development of a conditional use, as prescribed in Section 53.170. et seq.

g. **Lot Coverage.**

1. A minimum percentage of the total land area located within a designated Educational Campus District, excluding public rights-of-way, shall be retained as Open Space. Exceptions will be made to parking areas with approved pervious pavement applications
 - A. "EC-1" shall be fifty percent (50%)
 - B. "EC-2" shall be thirty (30%)

2. For permitted Single-Family Residential uses only a maximum Floor Area Ratio (FAR) of thirty-five percent (35%) is permitted. Notwithstanding, primary structures with an adjusted gross floor area up to two thousand eight hundred (2,800) square feet are permitted for any buildable lot up to seven thousand four hundred ninety-nine (7,499) square feet in size, and three thousand (3,000) square feet for any buildable lot at least seven thousand five hundred (7,500) square feet in size, provided all other height and area regulations are met without variance.
3. For permitted Single-Family Residential uses only total ground area covered by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the lot size.
4. For permitted Single-Family Residential uses only the Architectural Review Board (ARB) may approve construction of a new detached single-family dwelling, or addition to an existing detached single-family dwelling resulting in a floor area ratio (FAR) of up to forty percent (40%) if the ARB concludes that the construction will not result in a dwelling with excessive and unreasonable dissimilarity or inappropriateness in relation to any other single-family dwelling existing or for which a permit has been issued, facing upon the same street and within two hundred fifty (250) feet of the proposed site in respect to one or more of the following features:
 - A. Gross Floor Area
 - B. Height of building or height of roof
 - C. Front elevation building width or percentage of lot width occupied by the building
 - D. Other significant design features such as roof lines, massing, elevation articulation, and material or quality of architectural design, provided that a finding of excessive dissimilarity or inappropriateness exists, but further that it is of such a nature as to be expected to provoke beyond reasonable doubt an adverse affect on the stability and value of surrounding property, and that finding is not based on personal preferences as to taste or choice of architectural style

h. Yard Projections

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches.
2. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground may

project into a required yard, provided these projections be distant at least three (3) feet from the adjacent side lot lines.

3. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one-half (3 1/2) feet and where the same is so placed as not obstruct light and ventilation.

i. **Retaining Walls**

1. Any retaining wall that is six (6) feet in height or greater and used to elevate a site above the finished grade of a neighboring property shall be located within the buildable area of the lot.
2. Any retaining wall that is greater than three (3) feet in height, and less than six (6) feet, and used to elevate a site above the finished grade of a neighboring property shall be located a minimum of five (5) feet from a side or rear property line.

Section 53.257. Development Standards for Accessory Uses and Structures.

- a. An accessory structure or use must be limited to and located on the same lot with the use of the principal structure or use to which it is accessory, except as may be varied and permitted by a CMP.
- b. The total area of all accessory structures may not occupy more than thirty-five percent (35%) of the area of a required rear yard.
- c. Unless otherwise permitted or restricted by this subtitle, accessory structures must comply with the yard requirements of the district.
- d. No accessory structure may be erected on any lot before construction of the principal structure to which it is accessory.
- e. If an accessory structure is attached to a principal structure by any wall or roof construction it is considered to be a part of the principal structure, and must comply in all respects with the requirements of this Code that apply to the principal structure.
- f. No Educational Facility may lease any portion of its property or campus to a for-profit enterprise except those Ancillary Educational Uses permitted in this Chapter 53.
- g. Uses, buildings and structures accessory to an Educational Facility use or to uses permitted by this Code, when dependent on, incidental to, or affiliated with an Educational Facilities Use, shall be considered part of the Educational Facility use for purposes of determining minimum building height, setbacks, intensity of use, lot coverage, and open space.

Section 53.258. "MEC" District -- Campus Master Plan (CMP) Alternative.

- a. An Educational Facility may apply for approval of an "MEC" District designation through a CMP process, and the City Council may, pursuant to the procedures set forth herein, vary any of the base district dimensional regulations set forth herein and may vary any use restrictions contained in the base district regulations, subject to the restrictions in subsections 53.254 a. Permitted Uses #11 (Limited leasing)
- b. **Zoning Map Amendment.** An Educational Facility may choose to submit a CMP for approval simultaneously with a zoning map amendment to reflect that the area is controlled by an approved CMP, rather than the base district regulations. Approval of a CMP is considered a condition precedent to approval of a zoning map amendment to an "MEC" district classification. Once a CMP is approved, the zoning map shall be amended to reflect that the property subject to the CMP is an "MEC" district classification.
- c. Once a CMP is submitted and approved, the development proceeds in accordance with that plan rather than the base district regulations. In considering a CMP application, the City Council shall proceed in accordance with the provisions of Section 53.259 below and all other applicable development regulations set forth in the City Code.
- d. An Educational Facility may not deviate from the base district regulations of the "EC" District in which it is located unless and until a CMP is approved by the City Council in compliance with the regulations in Sections 53.250 through 53.269 inclusive, or unless and until a variance is granted by the Board of Adjustment in accordance with Missouri law.
- e. A CMP may be applied only to those properties owned or legally controlled by an applicant in compliance with all applicable City Code provisions and only if the permitted, conditional and accessory uses are in compliance with the applicable provisions of Section 53.254.

Section 53.257. Development Standards for Accessory Uses and Structures.

- a. An accessory structure or use must be limited to and located on the same lot with the use of the principal structure or use to which it is accessory, except as may be varied and permitted by a CMP.
- b. The total area of all accessory structures may not occupy more than thirty-five percent (35%) of the area of a required rear yard.
- c. Unless otherwise permitted or restricted by this subtitle, accessory structures must comply with the yard requirements of the district.

- d. No accessory structure may be erected on any lot before construction of the principal structure to which it is accessory.
- e. If an accessory structure is attached to a principal structure by any wall or roof construction it is considered to be a part of the principal structure, and must comply in all respects with the requirements of this Code that apply to the principal structure.
- f. No Educational Facility may lease any portion of its property or campus to a for-profit enterprise except those Ancillary Educational Uses permitted in this Chapter 53.
- g. Uses, buildings and structures accessory to an Educational Facility use or to uses permitted by this Code, when dependent on, incidental to, or affiliated with an Educational Facilities Use, shall be considered part of the Educational Facility use for purposes of determining minimum building height, setbacks, intensity of use, lot coverage, and open space.

Section 53.258. “MEC” District -- Campus Master Plan (CMP) Alternative.

- a. An Educational Facility may apply for approval of an “MEC” District designation through a CMP process, and the City Council may, pursuant to the procedures set forth herein, vary any of the base district dimensional regulations set forth herein and may vary any use restrictions contained in the base district regulations, subject to the restrictions in subsections 53.254 a. Permitted Uses #11 (Limited leasing)
- b. **Zoning Map Amendment.** An Educational Facility may choose to submit a CMP for approval simultaneously with a zoning map amendment to reflect that the area is controlled by an approved CMP, rather than the base district regulations. Approval of a CMP is considered a condition precedent to approval of a zoning map amendment to an “MEC” district classification. Once a CMP is approved, the zoning map shall be amended to reflect that the property subject to the CMP is an “MEC” district classification.
- c. Once a CMP is submitted and approved, the development proceeds in accordance with that plan rather than the base district regulations. In considering a CMP application, the City Council shall proceed in accordance with the provisions of Section 53.259 below and all other applicable development regulations set forth in the City Code.
- d. An Educational Facility may not deviate from the base district regulations of the “EC” District in which it is located unless and until a CMP is approved by the City Council in compliance with the regulations in Sections 53.250 through 53.269 inclusive, or unless and until a variance is granted by the Board of Adjustment in accordance with Missouri law.

- e. A CMP may be applied only to those properties owned or legally controlled by an applicant in compliance with all applicable City Code provisions and only if the permitted, conditional and accessory uses are in compliance with the applicable provisions of Section 53.254.

Section 53.259. Campus Master Plan Submittal Requirements.

- a. **Application.** The owner, or its authorized representative, shall file an application for CMP review for existing and proposed uses within an Educational Campus on forms to be provided by the City. Once the application has been determined to be complete by the Director of Planning and Development pursuant to such policies as the Department of Planning and Development may adopt from time to time, then such an application for CMP review shall be accompanied by twenty-four (24) copies of a CMP a portion of which may be submitted digitally, reflecting the information required below.
- b. **Minimum Requirements.** A CMP must address the general site layout of the entire area and include the following:
 - 1. **General.**
 - A. Property lines, and building or setback lines from the perimeter of the campus and for all public street rights-of-way adjacent to and internal to the campus.
 - B. The following information as part of the legend:
 - (i) Gross square footage of building area, maximum site coverage, maximum height in stories and feet, and primary use of each Building Zone;
 - (ii) Present zoning of the subject site and adjoining sites;
 - (iii) Proposed Open Zone area, in acres.
 - C. Location of all existing or proposed Building Zones and Open Zones.
 - 2. **Drainage.**
 - A. All existing or proposed ponds, lakes, retention basins, or other bodies of water, and the existing and proposed uses thereof.
 - B. Existing and/or proposed storm sewers, and storm water volumes before and after development
 - C. The nearest available sanitary sewers.
 - D. Proposed detention facilities, if required.

3. **Circulation and Parking.**
 - A. Traffic counts, peak loads, and the vehicular circulation on public streets showing:
 - (i) Curb cuts required to provide ingress and egress to and from streets adjacent to the Educational Campus;
 - (ii) The existing width and proposed widening of all existing streets and rights-of-way adjacent to the Educational Campus (including the number and width of lanes and any island or medians);
 - (iii) All the entrances on opposite sides of existing Streets adjacent to the Educational Campus within the frontage of the campus;
 - (iv) The location and dimensions of all existing and proposed curbs at the perimeter of the Educational Campus.
 - B. Traffic counts, peak loads, and internal circulation:
 - (i) Curb cuts required to provide access to surface parking lots and structured parking facilities.
 - (ii) The existing and proposed width of all existing and proposed streets located in the Educational Campus.
 - (iii) The location and dimension of all existing and proposed curbs.
 - C. Surface and Structured Parking Facilities:
 - (i) The location of existing and proposed surface parking lots and structured parking facilities including the number of spaces on each lot and /or floor of the structured parking facility.
 - D. Formula or formulas for calculation of off-street parking demand which shall provide the basis for determining the required off-street parking to be provided within the Educational Campus:
 - (i) Formula(s) shall address the variety of uses (staff, faculty, resident and non-resident students, and assembly, and shall quantify maximum (peak) demand for parking.
 - (ii) Total available supply shall exceed at all times, the calculated demand for parking by five percent (5%).
4. Landscape

- A. A Tree Preservation Plan identifying the locations of Valued Trees and the minimum thirty percent (30%) existing tree canopy being preserved per Section 10.330 of the City Code.
 - B. A Conceptual Landscape Plan identifying that all standards of the Tree and Landscape Ordinance can be met.
5. Building Zones and Open Space Zones, including for each proposed Building Zone the maximum site coverage, gross floor area, height above grade, total floors including below grade, and general use. Building Zones to include structured parking facilities or surface parking in excess of ten (10) spaces shall be so noted. Infrastructure improvements to be provided as required by governing authorities based on standard engineering practices.
 6. Proposed land uses of the campus area at the perimeter of the Educational Campus, and existing land uses adjacent to the perimeter.
 7. Tabular information on existing and proposed enrollment, facility and staff, with projections for three and five (5) year intervals.
 8. Evidence of public engagement in the campus planning, and responses to issues raised in that process. This may include, but is not limited to: meeting notices, lists of attendees/participants, meeting/workshop summaries, citizen feedback forms, and formal written responses to issues.
- b. **Review of Campus Master Plan.**
1. **Pre-application meeting.** The applicant may request a pre-application meeting to review the Campus Master Plan prior to formal submittal.
 2. **Determination by the Director of Planning and Development.** Upon receipt of the Campus Master Plan, the Director of Planning and Development shall determine whether the application, plans, and accompanying documentation are complete.
 3. **Review of Director's Determination.** Should the Director determine, pursuant to the preceding Section, that the application is not complete, the applicant shall have the right within thirty (30) days to appeal that determination to the City Council for review and within thirty (30) days of the date of the appeal either affirm or reverse the decision of the Director. Should the Director's determination be upheld, the Application for a CMP shall not be submitted to the City Plan Commission until it is complete.
 4. **Distribution.** Once the application is determined complete, the Director of Planning and Development shall date and distribute copies of the application and plans in the following manner:
 - A. The original Application and the Campus Master Plan shall be retained by the Director of Planning and Development;

- B. Nine (9) copies of the Campus Master Plan shall be forwarded to the City Plan Commission to begin the review process;
 - C. Seven (7) copies of the Campus Master Plan shall be sent to the City Council for its information.
 - D. One (1) copy of the Campus Master Plan shall be sent each to the City Attorney, Director of Planning and Development, City Manager, City Clerk, and Directors of Public Works, Police, and Fire Departments.
2. **Public Hearing.** A public hearing on an Application for approval of a Campus Master Plan shall be held by the City Plan Commission within sixty (60) days of determination that an application is complete.
3. **City Plan Commission Recommendations.** The City Plan Commission in review of the Campus Master Plan (CMP) shall examine all plans, documents and exhibits and consider, among others, any of the following guidelines that are relevant to its review:
- A. The design of the development achieves better use of land than may be possible through the strict application of standard zoning and subdivision controls.
 - B. The land development is compatible and congruous with adjacent and nearby land developments.
 - C. The density of population and development occurs at proper locations, with a sensitivity to residential, historic and environmentally sensitive areas and on land physically suited to construction.
 - D. Unique land uses are planned for and located in a manner that ensures harmony with surrounding community.
 - E. The plan promotes the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
 - F. The plan provides for abundant, accessible and properly located open space and recreational space.
 - G. The plan combines building forms and structural/visual relationships within an environment that allows a mix of different land uses in an innovative and functionally efficient manner.
 - H. The plan encourages land development that, to the greatest extent possible, preserves natural vegetation, respects natural

topographic and geologic conditions and refrains from adversely affecting flooding, soil, drainage, and other natural ecological conditions.

- I. Sufficient buffers and setbacks are established to protect the character and value of neighboring residential and/or historic properties.
- J. The plan provides a safe system for pedestrian, bicycle, motorist and transit routes connecting to existing and future developments.

The City Plan Commission shall not make findings of fact or conclusions but shall, with regard to the Application for a CMP, recommend either approval, approval with modifications or conditions, or denial within sixty (60) days after closure of the public hearing regarding the application. If no action is taken within the sixty (60) day period, the Application shall be deemed as a recommendation for approval by the City Plan Commission and forwarded to the City Council. No action shall be taken by the City Council until it has received the recommendation of the City Plan Commission. A recommendation of approval may include recommended conditions for approval of the Campus Master Plan by the City Council.

- 4. **Council Review.** Upon receipt of the recommendation(s) of the City Plan Commission on a CMP application, the City Council shall hold a public hearing and shall take into account the recommendations of the City Plan Commission and may take any of the following actions:
 - A. Approve the Campus Master Plan as recommended and enact a rezoning ordinance containing all or some of the conditions as set forth in the recommendations of the City Plan Commission;
 - B. Approve the Campus Master Plan subject to such other conditions as the Council reasonably deems necessary and enact a rezoning ordinance;
 - C. Disapprove the Campus Master Plan.
 - D. In reaching its legislative conclusion, the Council shall not be required to make written findings of fact or conclusions.
- c. **Filing of Approved Campus Master Plan.** The Campus Master Plan reflecting conditions of the City Council's approval shall be submitted to the Director of Planning and Development within one (1) month of the City Council's approval. Upon a finding by the Director of Planning and Development that the Campus Master Plan as submitted accurately reflects the terms and conditions of the City Council's approval, the owner or its authorized representative shall file the Campus Master Plan with the City Clerk.
- d. **Review of Director's Determination of Non-Compliance.** Should the Director determine in writing, pursuant to the preceding Section, that the CMP as

submitted does not accurately reflect the terms and conditions of the City Council's approval the Applicant shall have the right within thirty (30) days to appeal a determination of non-compliance to the City Council to review the determination, and within thirty (30) days of the date of the appeal either affirm or reverse the decision of the Director. Should the Director's determination of non-compliance be upheld, the CMP shall not be filed with the City Clerk as an approved CMP until all inaccuracies are corrected.

- e. **Procedure for Amendment of Campus Master Plan.** In order to amend an approved Master Plan, the Applicant shall file a Campus Section Plan in accordance with the procedures for approval of Campus Master Plan set forth in subsections (c) and (d), above. In reviewing a request to amend a CMP, the City Council shall have the same power to vary the dimensional regulations and to vary the uses as it does during an initial review of a CMP application.

Section 53.260. Site Development Plans.

- a. **Site Development Plan Review.** The owner may construct proposed new buildings or other structures that are in substantial compliance with the Educational Campus Zoning or under a Campus Master Plan upon approval of a Site Development Plan and issuance of a building permit.
 - 1. **Plan Review by Director.**
 - A. Should the Director or the City Council determine that the Site Development Plan is in substantial compliance with the approved Campus Master Plan, the Site Development Plan shall be reviewed by the Director, in consultation with the City Plan Commission, without a public hearing.
 - B. Should the Director determine that the Site Development Plan as submitted does not accurately reflect the terms and conditions of the City Council's approval of the CMP or the minimum requirements for a site plan in subsection (b) below, the Applicant shall have the right within thirty (30) days to appeal the Director's determination to the City Council. Within thirty (30) days of the date the Director receives such an appeal, the City Council shall either affirm or reverse the decision of the Director based on the requirements in subsections (b) and (c) below. Should the Director's determination of non-compliance be upheld, the Site Development Plan shall not be reviewed or approved until it has been amended to comply with the minimum requirements and the CMP as approved.
 - 2. Site Development Plan Submittal requirements and City Plan Commission approval for building permits involving only interior renovation of existing space which does not alter the approved use of the space may be waived by the Director.

b. Minimum Requirements.

1. Every Site Development Plan must contain the following information to be accepted for review by the Director:
 - A. Location map, north arrow, and plan scale.
 - B. Zoning district, subdivision name, lot number, dimensions and area, and zoning of adjacent parcels where different than site.
 - C. Name, addresses and telephone number of the person or firm submitting the plan and the person or firm who desires the review comments forwarded to them.
 - D. Proposed use of the building and its construction type and distance from adjacent property lines.
 - E. Off-street parking spaces, required and proposed, including the number, size and location of those designated for the handicapped.
 - F. Storm water volumes before and after development, and MSD approval of type of sanitary sewage treatment and storm water drainage facilities, including retention ponds, bioretention areas, and rain gardens utilizing best management practices.
 - G. Dimensions of existing and proposed roadway pavement and right-of-way width for streets abutting the site.
 - H. Existing and proposed landscape plan, including name and size of plant material.
 - I. Existing and proposed lighting plan, including the direction, intensity and placement of all light fixtures; location and height of all light poles; cut sheet of fixtures and footcandles levels across the site and at property lines.
 - J. Existing and proposed contour lines or elevations at two (2) feet intervals based on mean sea level datum, unless otherwise waived by the Director of Planning.
 - K. Location and size of existing and proposed freestanding signs.
 - L. Location and identification of all easements (existing and proposed).
 - M. Overall dimensions of all buildings including height and number of stories and the gross floor area of each building.
 - N. Approximate location of any storm water detention facilities, sink holes and springs, silt berms, ponds and other silt control facilities.

- O. Building setback lines, as approved in the Campus Master Plan.
 - P. Additional information to be placed on the plan beyond the requirements listed above may be requested based on review by the Director.
2. **Compliance with Campus Master Plans.** If applicable, prior to approving any Site Development Plan, the Director shall first determine if such plan complies with the approved Campus Master Plan. In determining substantial compliance of a Site Development Plan with the Campus Master Plan, the Director shall apply the following standards.
- A. Each proposed building or addition is situated in compliance with established building setback lines.
 - B. The proposed building or addition does not exceed the size and height parameters for that Building Zone as specified in the Campus Master Plan,
 - C. The proposed use of the building shall be consistent with the Campus Master Plan designation for said building or addition.
 - D. The proposed building or addition shall be timed for completion so that necessary utility upgrades and other requisite infrastructure (including, but not limited to water, sanitary and storm sewer and parking) are available at time of occupancy.

Section 53.261. Periodic Review.

The Educational Facility shall provide information regarding implementation of its CMP as adopted to facilitate a review every five (5) years by the City Department of Planning and Development. A report shall be filed with the City Council regarding status of the campus development and CMP by the Department. The report is not an amendment to the Master Plan. The report shall summarize the progress of implementation of the plan. Should it be determined that implementation is not following the approved plan, an amendment must be filed through the procedures in Section 53.259 (e).

Section 53.262. Compliance with Construction Codes.

All construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of existing and proposed buildings and structures within a designated Educational Campus District shall be in accordance with all construction codes of the City as set forth in the applicable provisions of The Revised Code of Ordinances of The City of Webster Groves, Missouri.

Section 53.263. Appeals.

An appeal to the City Council with regard to the Educational Campus Districts (Section 53.250 et seq) must be made within thirty (30) days of the Director of Planning and Development's order, requirement, decision, or determination which is being appealed. The City Council will review the determination of the Director in light of the Compliance

Standards set forth above, and within thirty (30) days of the date of the appeal either affirm or reverse the decision of the Director.

Section 53.264. Reserved.

Section 53.265. Reserved.

Section 53.266. Reserved.

Section 53.267. Reserved.

Section 53.268. Reserved.

Section 53.269. Reserved.

(Ord. No. 8851, 1-6-2015)

Section 53.270. Planned Environment Unit Procedure (PEU).

Section 53.271. PEU Scope of Provisions.

This section contains the regulations of the Planned Environment Unit 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. In the event of conflict between such regulations, the PEU regulations shall be applied.

Section 53.272. PEU Statement of Intent.

The intent of this section is to provide a voluntary and alternate zoning procedure in the "A1", "A2", "A3" and "A4" districts to permit flexibility in building types, to encourage economic and energy efficient subdivision design, to permit increased density in appropriate circumstances, and to encourage the provision of supporting community facilities in the development of diverse, sound, urban developments under conditions of approved site and development plans. The PEU procedure is to be utilized only in those circumstances where the parcel to be developed would qualify for a conventional subdivision to be constructed under the provisions of the subdivision and zoning regulations of the City of Webster Groves. In no circumstances is the PEU procedure to be utilized to provide for development of a parcel which could not be developed alternatively under the conventional subdivision and zoning regulations.

Section 53.273. PEU Applicable Zoning Districts.

The Planned Environment Unit Procedure may be utilized for developments containing five (5) or more lots or units in the "A1" Twenty Thousand Square Foot Residence District, the "A2" Fifteen Thousand Square Foot Residence District, the "A3" Ten Thousand Square Foot Residence District, and the "A4" Seventy Five Hundred Square Foot Residence District.

Section 53.274. PEU Authorized Developments and Limitations.

The Planned Environment Unit Procedure may authorize the following development types and standards:

- a. Any residential use, regardless of the zoning district within which the Planned Environment Unit lies, including one family dwellings, one family dwellings attached, two family dwellings, and multiple family dwellings, and supporting community facilities.
- b. Any non commercial use permitted in the zoning district within which the Planned Environment Unit lies. The area and yard requirements for non dwelling uses shall not be diminished unless authorized by the ordinance authorizing the Planned Environment Unit.
- c. Local public utility facilities.
- d. In Planned Environment Unit developments containing forty (40) or more lots or units, the following commercial uses may be authorized, when located in a separate rate structure or within a multiple family residence building.
 1. Barber or beauty shops.
 2. Child care centers, nursery schools, or day nurseries.
 3. Sundries and newspaper stands.
 4. Food and drug stores.
 5. Laundry or dry cleaning pick up stations.
 6. Self service laundries or dry cleaning facilities.
 7. Restaurants, excluding fast food restaurants.

The above commercial uses shall not occupy more than five percent (5%) of the total gross floor area of all residential buildings within the development, excluding garages. Primary access to these uses shall be from roads and walkways within the development and the uses shall be oriented to and coordinated with the total development. No freestanding signs shall be allowed for the commercial uses. Attached business signs may be authorized by the ordinance authorizing the development, but no one sign shall exceed the lesser of either fifty (50) square feet in area or the permitted size under Chapter 54 of the Code.

- e. Without regard to the regulations of the zoning district in which the Planned Environment Unit lies, lot area, yard setback, and height requirements shall be as established in the ordinance authorizing the Planned Environment Unit, with the following restrictions:
 1. Height limitations for structures may be modified by the City Council with respect to any structure proposed in an application for a Planned

Environment Unit, provided that any residential structure exceeding three (3) stories in height or thirty-five (35) feet shall be set back from all Planned Environment Unit boundary lines at least one (1) additional foot for each foot of height above thirty-five (35) feet above the average finished ground elevation at the perimeter of such structure.

2. Except as noted for front yard setbacks below, setbacks along boundary lines of a Planned Environment Unit shall be determined as if the Unit is one lot. In determining the boundaries of the Planned Environment Unit, consideration should be given to the rear yard set back requirements of the adjacent properties, the intensity of the adjoining use, the size and placement of the buildings in the proposed environment unit, and, in any event the minimum boundary set back, other than the front yard set back, for Planned Environment Unit will be twenty-five (25) feet. The City Council may require that open parking spaces be depressed below the grade of the remainder of the property or screened by walls, fences, or plant material, or by both methods in order to preserve and complement the general character of any existing developments on adjacent properties.
3. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from the proposed development, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for structures on that side of the street in the proposed development shall be the average setback of the existing dwelling structures with less than a ten (10) foot variation in front yard setback. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than sixty (60) feet be required.
- f. The ordinance establishing the Planned Environment Unit may permit individual lot areas of any size or may permit developments with no individual lots as where there is condominium development or common ownership of all or part of the lot areas of the PEU. Yard setbacks may vary with each dwelling unit and zero lot lines may also be authorized where one family attached or detached dwellings are included in the development.

Section 53.275. PEU Density Calculations.

- a. The number of lots or units allowable in a PEU shall be calculated as follows:
 1. By dividing the net area of a hypothetical conventional subdivision of the proposed parcel by the minimum lot area requirements for a residential unit of the residence district or districts in which the subdivision is located. The applicant seeking the PEU shall submit to the City a plat of the subject parcel showing a conventional subdivision which would be permitted under the subdivision and zoning regulations of the City of Webster Groves, without resort to any variances. The net area shall be determined by deducting from the gross area of this hypothetical

subdivision any land identified as being within the flood plain and any land which would be utilized for roadway right-of-way purposes, excluding right-of-way dedication for widening existing roadways; and

2. By rounding off the resulting number to the nearest whole number.
- b. To encourage creative and high quality subdivision designs and in recognition of the increased development costs which may be incurred in developments which preserve unique or valuable topographical conditions or environmental assets of a parcel, the City Council may approve up to twenty percent (20%) more units than otherwise would be permitted by the calculation described in paragraph a. above. The maximum number of lots or units allowable under this paragraph shall be calculated:
1. By determining the number of units permitted under the provisions of subsection (a) above; and
 2. By multiplying the resulting number by one hundred twenty percent (120%).
- c. The City Council may approve the additional units as calculated under the provisions of subsection (b) above, if the Council, upon review of the proposed Planned Environment Unit finds that the proposal will accomplish two or more of the following objectives:
1. Retention of, and avoidance of damage to, a substantial number of existing trees by imaginative land planning and building design.
 2. Minimization of grading by imaginative land planning and design.
 3. Retention of substantial amount of open space, not including driveways, road and parking areas.
 4. Development of exterior building design intended to be compatible and harmonious with nearby residential development.

Section 53.276. PEU Procedures.

The owner, or owners under contract, of any parcel of land may submit to the City a plan for the use and development of all or part of such parcel for the purpose of meeting the requirements set forth in this section. The Planned Environment Unit shall be designed as a whole, unified single project in compliance with the minimum requirements of the residence district in which it lies or the requirements of this section; if to be built in stages, each stage shall conform with the approved plan. The plan shall be referred to the Plan Commission for study, public hearing, and recommendation. Notice and publication of such public hearing and any public hearing of the City Council shall conform to the procedures prescribed in Section 53.801 of the Code. For purposes of applying the provisions of Section 53.801, a petition for utilization of the Planned Environment Unit procedure shall be considered a petition for a change of zoning.

- a. **Plan Commission Recommendation.** The Plan Commission shall determine the suitability of a Planned Environment Unit based on the criteria herein established and that required for conditional use permits, as established in Section 53.177. If no report is transmitted by the Plan Commission within sixty (60) days of notification, the City Council may take action without further awaiting such report. If the Plan Commission approves the plans, they shall be submitted to the City Council for its consideration, public hearing, and action.

In addition to the criteria established in Section 53.177, and those noted above, the Plan Commission's recommendation shall be based upon whether the Planned Environment Unit proposal is consistent with good general planning practice and with good site planning; can be constructed and operated in a manner that is not detrimental to the permitted uses in the district; and would be visually compatible with the uses in the surrounding area. The Plan Commission shall also consider the architectural, landscape, and other relationships, which may exist between the proposed development and the character of the surrounding neighborhood and shall prescribe and require such physical treatment or other limitations as will, in its opinion, enhance the neighborhood character. The recommendation, along with preliminary plans and conditions where approval has been recommended, shall be forwarded to the City Council for its consideration. The Plan Commission may condition its approval of the proposal upon the owner's agreeing to reasonable additional requirements as to landscaping, utility placement, lighting, screening, access ways, building distances, yard limitations and buffer zones for the protection of adjoining residential property.

- b. **City Council Action.** Upon receipt of the Plan Commission's recommendation, the City Council shall hold its public hearing and either approve or deny the proposal, utilizing the same criteria as utilized by the Plan Commission in its review process.

Section 53.277. PEU Time Periods for Submission of Plans and Commencement of Construction.

A final development plan shall be filed with the Plan Commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance approving the Planned Environment Unit. Said final development plan shall conform with the initial development plan approved by the ordinance, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the Plan Commission, which are not inconsistent with the purpose or intent of this section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council, then upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Code, enact an ordinance repealing the approval of the Planned Environment Unit.

In the event substantial construction does not commence within three (3) years after a Planned Environment Unit has been approved, the PEU shall expire and the Residence District Regulations in force prior to the establishment of the Planned Environment Unit shall thereupon be in full force and effect. As used in this section, substantial

construction shall mean final grading for roadways necessary for first approved plat or first phase of construction and commencement of installation of sanitary and storm sewers.

Section 53.280. “PC” Planned Commercial District Regulations.

The regulations set forth in this section or when referred to elsewhere in this Zoning Code, are the district regulations in the PC Planned Commercial District.

Section 53.281. “PC” Development Plan.

The PC Planned Commercial Districts shown on the Zoning District Map shall be developed upon submission and acceptance of an Approved Development Plan submitted simultaneously with the establishment of a District or subsequent thereto as provided by law, in order to provide for modern shopping and office centers of integrated design.

Section 53.282. “PC” Permitted Uses.

In a PC Planned Commercial District, the permitted and conditional uses permitted in the “C” and “D” Commercial District regulations; however, no sexually oriented business shall be permitted in any PC Planned Commercial District and the specific ordinance authorizing the establishment of a particular PC Planned Commercial District or development plan thereunder related to a specific tract may further limit the uses permitted on the tract.

Section 53.1283. “PC” Development Plan Information.

A Development Plan shall be prepared and submitted to the Plan Commission. The Development Plan shall show the location and size of buildings and the uses to be made thereof, the areas to be developed for parking, drives, walkways, recreation or other uses. A general grading and landscaping plan shall also be submitted with the site plan. Plans showing general location and type of utilities, including storm water drainage as well as general details of all surfaced areas, will also be required.

Section 53.284. “PC” Supplemental Data.

The following data and information shall also be submitted with the Development Plan:

- a. Sketch of floor plans and elevations of typical buildings to indicate the architectural character of the buildings including statements regarding types of construction.
- b. Estimates of volumes of traffic movements to and from the completed project from the boundary streets.
- c. A preliminary schedule for completion of the entire project.
- d. A statement regarding the proposed method of operating and maintaining the project.

Section 53.285. "PC" Review and Approval.

A final development plan shall be filed with the City Planning Commission for its approval without public hearing or further recommendation to the Council within twelve (12) months following the enactment of an ordinance, rezoning the property affected thereby. Said final development plan shall conform with the initial development plan required under this section, and the Plan Commission shall have the discretion to approve minor changes in the development plan both before and after filing with the Plan Commission, which are not inconsistent with the purpose or intent of this section, without referring same to the Council. If the final development plan is not filed within the twelve (12) month period referred to above, or any extension which may be granted by the Council, then upon the expiration of said period or periods, the Council may after recommendation by the Plan Commission, as provided in Section 53.800 of this Code, enact an ordinance repealing the change of zoning.

Section 53.286. "PC" Procedures.

Rezoning of a specific tract of land to PC Commercial District and/or the approval of a Development Plan shall proceed in accordance with the provisions of Section 53.800 "Changes and Amendments" et seq.

ARTICLE VIII: Administration**Section 53.300. Board of Adjustment.****Section 53.301. Composition of Board.**

A Board of Adjustment is hereby established. The word "**Board**" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents of the City of Webster Groves appointed by the City Council. The term of office of the members of the Board of Adjustment shall be five (5) years, excepting that the five (5) members first appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years, four (4) years and 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 Council upon written charges after public hearing.

Section 53.302. Election of Chairpersons.

The Board shall elect its own Chairman and Vice-Chairman, who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code.

Section 53.303. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions,

all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the board for the purpose.

Section 53.304. Appeals.

Appeals to the Board on any matter over which the Board is herein specifically granted jurisdiction may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Webster Groves affected, by any decision of the Director of Planning and Development. Such appeal shall be taken within thirty (30) days of such decision, by filing with Director of Planning and Development and with the Board a notice of appeal specifying the grounds thereof, and by paying a filing fee of (\$100.00) to the Director of Planning and Development at the time the notice is filed. The Director of Planning and Development shall forthwith pay over said fee to the Director of Finance to the credit of the General Revenue Fund of the City of Webster Groves, provided that, should the Board of Adjustment find the decision of the Director of Planning and Development to have been the result of an error in any order, requirement, decision or determination by him, then and in such event the fee hereinabove provided shall be promptly refunded to the applicant. The Director of Planning and Development shall forthwith transmit to the Board all papers constituting the record upon which the action appealed is taken.

Section 53.305. Stay Pending Appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Director of Planning and Development certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record, on application or notice to the Director of Planning and Development and on due cause shown.

Section 53.306. Time and Notice Requirements for Appeal.

The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the applicant, and decide the same within a reasonable time. Public notice shall consist of one (1) publication at least five (5) days in advance of the hearing, in a paper having a general circulation in the City and conspicuously posted upon the property involved informing of the appeal and the time and place of the hearing. At the hearing, any party may appear in person, or by agent, or by attorney.

Section 53.307. Jurisdiction.

The Board shall have the following powers:

- a. **Powers Relative to Errors.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director of Planning and Development in the enforcement of this Code.
- b. **Powers Relative to Variations.** When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property as of September 20, 1956,

or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the neighborhood, the strict application of the area regulations of this Zoning Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardships.

- c. **Powers Relative to Exceptions.** Upon appeal, the Board is hereby empowered to permit the following exceptions:
1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 2. To permit the reconstruction of a non-conforming building which has been destroyed, or partially destroyed by fire or act of God where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
 3. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.
 4. To interpret the provisions of the Zoning Code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is attached to and made a part of Ordinance 5906.
 5. To vary the parking regulations of this Zoning Code whenever the character or use of a building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or a convenience.

Section 53.308. Permissible Actions of Board.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of this Zoning Code, 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.

Section 53.309. Findings of Fact.

In considering all appeals under this Zoning Code, the Board shall before making any findings in a specific case, first determine that the proposed change will not constitute a change in the District Map and will not impair an adequate supply of light and air to adjacent property, or increase the congestion in public streets or increase the danger of

fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Webster Groves. Every change granted or denied by the Board shall be accompanied by a written finding of fact specifying the reason for granting or denying the variation.

Section 53.310. Necessary Majority Required.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Director of Planning and Development; or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation to this Zoning Code.

Section 53.311. Appeals of Board Decisions.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the City, may present to the Circuit Court of St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of 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.

Section 53.312. Writ of Certiorari.

Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor'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.

Section 53.313. Return of Certified or Sworn Copies.

The Board 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.

Section 53.314. Circuit Court May Take Additional Evidence.

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 his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

Section 53.315. Permitted Actions by Circuit Court.

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Section 53.316. Costs.

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.

Section 53.600. Boundaries of Districts.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of Ordinance 5906, the following rules shall apply:

- a. The district boundaries are either streets, places or alleys unless otherwise shown, and where the designation on the map accompanying and made a part of Ordinance 5906 indicating the various districts are approximately bounded by street, alley or place lines, said street, alley or place shall be construed to be the boundary of such district.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may, hereafter be divided into blocks and lots,, the district boundaries shall be construed to be lot lines and where the designation on the map accompanying and made a part of Ordinance 5906 indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.
- c. In unsubdivided property, the district boundary lines on the map accompanying and made a part of Ordinance 5906 shall be determined by use of the scale contained on such map.

Section 53.700. Interpretation, Purpose and Conflict.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or premises, or by easements, covenants or agreements, the provisions of this Zoning Code shall control.

Section 53.800. Changes and Amendments.**Section 53.801. Procedure.**

The City Council may from time to time, on its own motion or on petition, amend, modify or revise by ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, modification or revision shall first be submitted to the Plan Commission for a public hearing thereon, and the Commission shall forward such application to the Council with its recommendations thereon. At least seven (7) days prior to the first hearing on any proposed amendment, modification or revision, the Commission shall send a written notice, briefly describing the proposed amendment, modification or revision and stating the time and place of the hearing, to the last known place of abode to the owners of all property, according to city records, adjacent to or lying within one hundred eighty-five (185) feet of all boundaries of the property under consideration. In the event of a general revision of the Code, written notice to property owners shall not be required. If the Plan Commission makes no report within 60 days after closure of the public hearing(s) regarding each proposed amendment, modification or revision, it shall be considered to have made a report approving the proposed amendment, modification or revision. After the recommendation and report of the Plan Commission have been filed, the City Council shall, before enacting any proposed amendment, modification or revision, hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing by publishing notice of same in a newspaper having a general circulation within the City of Webster Groves. (Ord. No. 8830, §1, 3-18-2014)

Section 53.802. Fees.

Petitions for change of zoning and/or approval of Development Plan to Section 53.080, "B1" Planned Multiple Family Residence District Regulations, Section 53.090, "B2" Multiple Family and Commercial District Regulations and Section 53.130, "PC" Planned Commercial District Regulations shall be accompanied by a fee of Five Hundred Dollars (\$500.00), and all other petitions for change of zoning or petitions for conditional use permits shall be accompanied by a fee of Two Hundred Fifty Dollars (\$250.00), which said fees shall forthwith be paid over to the Director of Finance to the credit of the General Revenue Fund of the City of Webster Groves.

Section 53.803. Super-Majority Vote Required, When.

In case of an adverse report by the Plan Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk prior to the date of the holding of said hearing, duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets, places and alleys) included within 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, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the City Council.

Section 53.810. Enforcement, Violation and Penalty.**Section 53.811. Preventive Action.**

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 Zoning Code or other regulations made under authority conferred hereby the Director of Planning and Development may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or land in and to such premises.

Section 53.812. Penalties.

The owner or general agent of a building or premises where a violation of any provision of this Zoning Code has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of an offense punishable by a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. Any person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this ordinance in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

Section 53.813. Validity.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining.

(Ord. No. 8803, § 1, 7-16-2013)