

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 a facility providing an Adult Day Care Program .

“Adult Day Care Home” shall mean a dwelling maintained by a householder who provides an Adult Day Care Program.

“Adult Day Care Program” shall mean a group program, licensed by a regulatory agency of the State of Missouri , designed to provide care and supervision to meet the needs of adults with a disability for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adults’ own home.

“AGL (Above Ground Level)” shall mean the level as determined by the average elevation of the natural ground level within a radius of fifty feet (50’) from the center location of measurement.

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

“Amusement place” shall mean a commercially operated place with various devices for entertainment and booths for the sale of food and drink.

“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.

“Animal grooming” shall mean any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

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

“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.

“Art Gallery” shall mean a room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

“Art Studio” shall mean work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

“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 outdoor recreation area that may contain a playground as well as unit fields for competitive sports such as baseball, football, or soccer. Temporary bleachers and field equipment may be provided.

“Automobile Dealership” shall mean a retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

“Automotive Detailing Shop” shall mean a facility which provides automobile-related services including, but not limited to applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. However, engine degreasing or similar automobile cleaning services shall not be included under this definition.

“Automotive Repair and Services Facility” shall mean a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, fender repair or tires, and overall painting.

“Automotive Retail Supply” shall mean the use of any building, or portion thereof, for the display and sale of new parts, tires and accessories for automobiles, panel trucks or vans, trailers, or recreation vehicles.

“Bakery” shall mean an establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

“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.

“Brewery” shall mean any establishment that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually. In addition, breweries are separate from micro-breweries and are not considered a drinking establishment for zoning purposes.

“Broadcasting Studio” shall mean commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings

“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.

“Cabinet” shall mean a structure for the protection and security of communications

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

“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.

“Car Wash” shall mean facilities for the washing, waxing or vacuuming of private automobiles, light trucks and vans, but excluding heavy trucks and buses.

“Catering Establishment” shall mean an establishment where the food and meals are prepared on the premises and such food and meals are delivered to another location for consumption.

“Cemetery” shall mean land used or intended to be used for internment of the dead and dedicated for such purposes, including columbaria, mausoleums, urn gardens, necessary sales and maintenance facilities.

“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 a dwelling maintained by a householder who provides provide Child Day Care for children who are not members of the householder’s immediate family at any one time during the daytime.

“Coffee Shop, no Drive-thru” shall mean an informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

“Coffee Shop, Drive-thru” shall mean an informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold and customer orders may be by means of a window designed to

accommodate automobile traffic.

“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.

“Commercial or Industrial Vehicle” shall mean any vehicle or equipment used for commercial or industrial purposes with or without signage with the exception of a passenger vehicle or station wagon.

“Commercial Service Facility” shall mean Retail establishments that primarily render services rather than goods. Such services may include but not be limited to copy shops, printing services, package and postal services, janitorial services, and similar operations.

“Community Building” shall mean a place, structure, area, or other facility used for and providing religious, fraternal, social or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community

“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.

“Disability” shall have the same meaning as the definition of “handicap” in the Fair Housing Act.

“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 appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, 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.

“Drug Store and Pharmacy, no Drive-thru” shall mean an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

“Drug Store and Pharmacy, Drive-thru” shall mean an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies in part, by means of a window designed to accommodate automobile traffic.

“Dry Cleaning Establishment” shall mean an establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere

“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.¹

“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.²

“Educational Facility, School for the Arts” shall mean an institutional use offering instruction and classes in the various arts (e.g. dance, painting, sculpting, singing) that are taught to four or more persons at a time.¹

“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.³

“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 is capable of supporting Wireless Communications Facilities (other than a Support Structure) in full conformance with the design and other requirements of the Wireless Code and is: (1) existing prior to the date of all applicable permit applications seeking City authorization for installation of such facilities thereon and (2) not built or installed in anticipation of such specific installation or erected as a means to evade approvals applicable to a non-existing structure

“FAA” 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.

“Fast-Track” Small Wireless Facility or “Fast-Track”, shall mean a Small Wireless Facility that meets the requirements of Section 53.226.

1 See Carnegie Foundation – “A Classification of Institutions of Higher Education” Liberal Arts Colleges I

2 See Carnegie Foundation – “A Classification of Institutions of Higher Education” Comprehensive Universities and Colleges I and Research Universities II

3 See Carnegie Foundation – “A Classification of Institutions of Higher Education” Professional Schools and Other Specialized Institutions

“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 with Pumps” shall mean a place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises.

“Financial Institution, no Drive-thru” shall mean an establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.

“Financial Institution, Drive-thru” shall mean an establishment where the principal business is the receipt, disbursement or exchange of funds and currencies (such as: banks, savings and loans, or credit unions) and including provisions for the conduct of banking services directly to the occupants of motor vehicles

“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.

“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” 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.

“Grocery” shall mean a retail establishment which primarily sells food, but also may sell other convenience and household goods.

“Group Care Home” shall mean a dwelling that is occupied on a permanent basis, as opposed to a transient guest, by a household of unrelated persons with disabilities and can include paid staff or caregivers.

“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 or members of a household, residing on the premises, which is incidental and subordinate to the use of the residential dwelling. This use does not include those pursuits that have a primary location not within the residential structure.

“Hospital” shall mean an institution providing medical and surgical care for humans only, for both inpatients and outpatients, including medical service, training, and research facilities.

“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 Short Term Rental, Bed and Breakfast Facility, or an apartment which are herein separately defined.

“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 with tenancy arranged on a basis of thirty (30) consecutive days or more.

“Incidental Use” shall mean any use authorized herein that exists in addition to the principal use of the property.

“Industrial sales and service” shall mean small establishments providing industrial sales, services, and repairs to individuals or businesses. This classification includes metal, machine, and welding shops; cabinetry and woodworking shops; furniture upholstery shops; and similar business engagements in custom fabrication and repair.

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

“Laboratory – Professional, Scientific” shall mean a facility for analysis of natural resources, medical resources, manufactured materials, or similar items.

“Library” shall mean a public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

“Loading Space” shall mean a space within the main building or on the same lot providing for the standing, loading or unloading of trucks.

“Long Term Care Facility” shall mean a building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care. A long term care facility may also include assisted and independent living uses.

“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.

“Manufacturing, Fabrication, Assembly, Processing, or Packaging Facility” shall mean the use of any building, land area, or other premises or portion thereof used for the manufacture, fabrication, assembly, processing, or packaging of goods. This use does not include:

1. Facilities producing or processing explosives or flammable gases or liquids;
2. Facilities for animal slaughtering, meat packing, or rendering;
3. Sulphur plants, rubber reclamation plants, or cement plants;
4. Steel mills, foundries, or smelters;
5. Medical Marijuana Cultivation Facilities; or
6. Medical Marijuana-Infused Products Manufacturing Facilities

“Marijuana-Infused Products” shall mean products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking including, but not limited to, edible products, ointments, tinctures, and concentrates

“Medical Marijuana Cultivation Facility” shall mean a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility

“Medical Marijuana Dispensary Facility” shall mean a facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, and a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

“Medical Marijuana-Infused Products Manufacturing Facility” shall mean a facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

“Medical Marijuana Testing Facility” shall mean a facility certified by the State of Missouri to acquire, test, certify and transport marijuana.

“Modification” shall mean any addition, deletion, or change, including the addition or replacement of Antenna, or any change to a structure requiring a building permit or other governmental approval.

“Mortuary” shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

“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.

“Office for the Conduct of any Lawful Business or Professional Pursuit” shall mean a room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government.

“Oil Change Facility” shall mean operations that provided lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait, generally within a 15- to 20-minute time period.

“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, exclusive of a durably surface 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.

“Personal Services” shall mean a business that provides specialized service specific to an individual which includes barbershops, beauty parlors, day spas, nail salons, tanning salons, and similar services.

“Places of Worship” shall mean a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to

sustain public worship. Includes church, synagogue, temple, mosque or other such place for worship.

“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.

“Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility” shall mean any establishment that includes the retail sale, repair service, and/or warehousing of equipment for a plumbing, electric, air conditioning, or heating business.

“Public Safety Facilities” shall mean a government facility for public safety and emergency service, including a facility that provides for police or fire protection and related administrative facilities.

“Recreation Facility” shall mean any establishment whose main purpose is to provide the general public with an amusing or entertaining activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, tennis courts, swimming pools, billiard halls, and fitness center but not theaters

“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.

“Residential Care Center” shall mean an accommodation providing lodging, care, treatment or custody, including transient guests, in exchange for compensation. The Center may provide medical, social, educational, rehabilitative or protective services for persons with a disability. “Residential Care Center” does not include “apartment”, “Bed and breakfast”, “hotel”, or “student housing” which are herein separately defined.

“Research Facility” shall mean a structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

“Restaurant, no drive-thru” shall mean an establishment where food and beverage are served to the public on demand from a menu during stated business hours, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools.

“Restaurant, drive-thru” shall mean an establishment where food and beverage are served to the public on demand from a menu during stated business hours, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools and including provisions for the conduct of sales directly to the occupants of motor vehicles.

“Retail Sales Establishment, no drive-thru” shall mean Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics.

“Retail Sales Establishment, drive-thru” shall mean Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics and including provisions for the conduct of sales directly to the occupants of motor vehicles

“Self-storage Facility” shall mean a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses.

“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.

“Shelter” shall mean a building for the protection and security of communications equipment associated with one (1) or more Antenna and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected Antenna is prohibited.

“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.

“Small Wireless Facility” shall mean an Antenna and associated equipment that meets the following:

- i. An Antenna of no more than six cubic feet (6ft³) in volume; and
- ii. All other associated equipment, to the extent permitted by applicable law to be calculated, of cumulatively no more than twenty-eight cubic feet (28ft³) in volume; provided that no single piece of equipment on the Utility Pole shall exceed nine cubic feet (9ft³) in volume, and no single piece of ground mounted equipment shall exceed fifteen cubic feet (15ft³) in volume.

“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.

“Support Structure” shall mean a Tower or Disguised Support Structure.

“Tattoo or Body Piercing Establishments” shall mean any establishment or facility, other than the office of a licensed medical doctor, where one or more of the following is performed: 1. 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. 2. 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.

“Theater, indoor” shall mean a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

“Thrift Stores” shall mean an establishment wherein one or more types of secondhand articles are sold, such as clothing, shoes, furniture and other assorted items, the value which is only a fraction of the original cost, for which price guides are not available, and which normally have no collectible or antique value. This term shall not apply to businesses which sell primarily new goods, and which occasionally sell secondhand articles as a result of trade-ins or unclaimed merchandise.

“Tower” shall mean a structure designed for the support of one (1) or more Antenna and including guyed towers, self-supporting (lattice) towers, or monopoles, but not Disguised Support Structures, Utility Poles, or buildings. The term shall also not include any Support Structure that includes attachments of sixty-two feet (62’) or less in height owned and operated solely for use by an amateur radio operator licensed by the FCC.

“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.

“Transient Guest” shall be a person who stays in an accommodation for a period of time less than thirty (30) consecutive days with no intention of establishing permanent residency.

“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 wireless communications, lighting, traffic control, signage, or a similar function, which may also support a Small Wireless Facility or “Fast Track”.

“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 Communications Facility” shall mean any Antenna, Small Wireless Facility, “Fast Track,” Cabinet, Shelter, and Support Structure, and associated equipment.

“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, Ord. No. 9038, §1, 10-16-2018, Ord. No. 9054, §1, 1-22-2019, Ord. No. 9058, §1, 3-19-2019, Ord. No.9064, §1, 4-16-2019, Ord. No. 9076, §1, 7-16-2019; Ord. No. 9131, §1, 12-1-2020)

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. Zoning of Public Property and Rights-Of-Way

Except as may be required by applicable law, any Rights-of-Way (as defined by Chapter 10 of this code) that abut residentially zoned or used property shall be and hereby is zoned “A-4” Seventy-Five Hundred Square Foot Residential District, unless hereinafter zoned otherwise; Provided that no use otherwise authorized in such zoned district shall be permitted in the rights-of-way that is not specifically authorized by the City and consistent with the City’s rights-of-way regulations. All other City property shall be governed by the regulations of the “A-4” Seventy-Five Hundred Square Foot Residential District unless otherwise provided for by the City Council, provided that no City authorized use of such

City property shall be subject to invalidation or limitation by any third party based on this provision.

(Ord. No. 9033, §1, 8-21-2018)

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 found in Section 53.100 of this Article. (Ord. No. 9038, §1, 10-16-2018)

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 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

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 daycare and group living uses

a. General Standards

The following standards shall be applicable to all day care or group living uses:

1. 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.
2. No signage permitted
3. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

b. Adult or Child Day Care Homes

1. The care of four (4) or less children who are not members of the householder's family in a dwelling requires a business license for a home occupation. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the day care use must be reviewed and approved through a Conditional Use Permit procedure under the requirements of Section 53.170 et. seq. The City Plan Commission can impose conditions on

additional parking and limitation on service hours such uses as it determines necessary.

2. Child day care home uses which provide care for more than four (4) but no more than ten (10) children who are not members of the householder's family and adult day care home uses which provide care for no more than eight (8) adults are permitted under requirements specified in Section 53.170 et. seq. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the additional uses may be reviewed and approved through the Conditional Use Permit procedure. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.
3. The owner or lessee of a dwelling 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 the premises is used to provide a Day Care Program for children or adults who are not members of the householder's family.
4. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

c. **Adult of Child Day Care Centers**

1. All child day care center or adult day care center uses are permitted under requirements specified in Section 53.170 et. seq.
2. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

d. **Group Care Home**

1. Group Homes shall follow the Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves
2. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional caregivers can be increased with an equal decrease in the number of persons with a disability.
3. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional caregivers can be increased with an equal decrease in the number of persons with a disability.

e. **Residential Care Center**

1. All residential care center uses are permitted under requirements specified in Section 53.170 et. seq.

2. Residential Care Centers shall follow Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.

(Ord. No. 9058, § 1, 3-19-2019)

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 found in Section 53.100 of this Article. (Ord. No. 9038, §1, 10-16-2018)

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 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

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 day care and group living uses

a. General Standards

The following standards shall be applicable to all day care or group living uses:

1. 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.
2. No signage is permitted
3. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

b. Adult or Child Day Care Homes

1. The care of four (4) or less children who are not members of the householder's family in a dwelling requires a business license for a home occupation. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the day care use must be reviewed and approved through a Conditional Use Permit procedure under the requirements of Section 53.170 et. seq. The City Plan Commission can impose conditions on additional parking and limitation on service of hours for such uses as it determines necessary.
2. Child day care home uses which provide care for more than four (4) but no more than ten (10) children who are not members of the householder's family and adult day care home uses which provide care for no more than eight (8) adults are permitted under requirements specified in Section 53.170 et. seq. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the additional uses may be reviewed and approved through the Conditional Use Permit procedure. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.
3. The owner or lessee of a dwelling 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 the

premises is used to provide a Day Care Program for children or adults who are not members of the householder's family.

4. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

c. **Adult of Child Day Care Centers**

1. All child day care center or adult day care center uses are permitted under requirements specified in Section 53.170 et. seq.

2. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

d. **Group Care Home**

1. Group Homes shall follow the Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.

2. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional s caregivers can be increased with an equal decrease in the number of persons with a disability.

3. Group Care Homes for occupancy of more than eight (8) persons with a disability are permitted under requirements specified in Section 53.170 et. seq.

e. **Residential Care Center**

1. All residential care center uses are permitted under requirements specified in Section 53.170 et. seq.

2. Residential Care Centers shall follow Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves. (Ord. No. 9058, §1, 3-19-2019)

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 found in Section 53.100 of this Article. (Ord. No. 9038, §1, 10-16-2018)

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 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

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 day care and group living uses

a. General Standards

The following standards shall be applicable to all day care or group living uses:

1. The lot meets the minimum area requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the one in which it is located
2. No signage is permitted.
3. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

b. Adult or Child Care Homes

1. The care of four (4) or less children who are not members of the householder's family in a dwelling requires a business license for a home occupation. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the day care use must be reviewed and approved through a Conditional Use Permit procedure under the requirements of Section 53.170 et. seq. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.
2. Child day care home uses which provide care for more than four (4) but no more than ten (10) children who are not members of the householder's family and adult day care home uses which provide care for no more than eight (8) adults are permitted under requirements specified in Section 53.170 et. seq. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the additional uses may be reviewed and approved through the Conditional Use Permit procedure. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.
3. The owner or lessee of a dwelling 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 the premises is used to provide a Day Care Program for children or adults who are not members of the householder's family.
4. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

c. Adult of Child Day Care Centers

1. All child day care center or adult day care center uses are permitted under requirements specified in Section 53.170 et. seq.
2. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

d. Group Care Home

1. Group Homes shall follow the Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.
2. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional caregivers can be increased with an equal decrease in the number of persons with a disability.

3. Group Care Homes for occupancy of more than eight (8) disabled with a disability are permitted under requirements specified in Section 53.170 et. seq.

e. **Residential Care Center**

1. All residential care center uses are permitted under requirements specified in Section 53.170 et. seq.
2. Residential Care Centers shall follow Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.

(Ord. No. 9058, §1, 3-19-2019)

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 found in Section 53.100 of this Article. (Ord. No. 9038, §1, 10-16-2018)

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.

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 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 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:
 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 day care and group living uses.

a. General Standards

The following standards shall be applicable to all day care or group living uses:

1. The lot meets the minimum are requirements, minimum width requirements at the front yard setback line, and minimum average width requirements for the zone in which it is located
2. No signage is permitted
3. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

b. Adult of Child Day Care Homes

1. The care of four (4) or less children who are not members of the householder's family in a dwelling requires a business license for a home occupation. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the day care use must be reviewed and approved through a

Conditional Use Permit procedure under the requirements of Section 53.170 et. seq. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.

2. Child day care home uses which provide care for more than four (4) but no more than ten (10) children who are not members of the householder's family and adult day care home uses which provide care for no more than eight (8) adults are permitted under requirements specified in Section 53.170 et. seq. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the additional uses may be reviewed and approved through the Conditional Use Permit procedure. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.
3. The owner or lessee of a dwelling 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 the premises is used to provide a Day Care Program for children or adults who are not members of the householder's family.
4. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

c. Adult or Child Day Care Centers

1. All child day care center or adult day care center uses are permitted under requirements specified in Section 53.170 et. seq.
2. Hours of operation shall not exceed 6:00 a.m. to 8:00 p.m.

d. Group Care Home

1. Group Homes shall follow the Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.
2. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional caregivers can be increased with an equal decrease in the number of persons with a disability.
3. Group Care Homes for occupancy of more than eight (8) persons with a disability are permitted under requirements specified in Section 53.170 et. seq.

e. Residential Care Center

1. All residential care center uses are permitted under requirements specified in Section 53.170 et. seq.

2. Residential Care Centers shall follow Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.

(Ord. No. 9058, §1, 3-19-2019)

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)

Section 53.100 Use Table for Residential Districts

Permitted, conditional and accessory uses are found in the chart below. Conditional Uses are permitted under requirements specified in Section 53.170. et seq. (Ord. No. 9038, §1, 10-16-2018; Ord. No. 9074, §1, 7-16-2019)

Uses: P=Permitted; C=Conditional; A=Accessory

* means is allowed with regulations see zoning sections

USE GROUP	ZONING DISTRICT AND CATEGORY				
	A1	A2	A3	A4	B1
RESIDENTIAL					
Single-family dwellings	P	P	P	P	
Two-family dwellings				P*	
Multiple-Family dwellings					P
Bed and Breakfast	p*	p*	p*	p*	
Faculty Housing					
Group Home	p*	p*	p*	p*	
Group Residential Facility	p*	p*	p*	p*	
Home Occupation	p*	p*	p*	p*	p*
Nursing Home	C	C	C	C	
Student Housing					
Residential structures and garages	A	A	A	A	A
Residential Care Center	C*	C*	C*	C*	
CIVIC					
Public Safety Facilities	P	P	P	P	
PUBLIC /RECREATIONAL					
Accessory Use parking areas	A	A	A	A	P
Adult Day Care Center	C*	C*	C*	C*	
Adult Day Care Home	C*	C*	C*	C*	

Athletic Fields	C	C	C	C	
Cemetery	C	C	C	C	
Child Day Care Center	C*	C*	C*	C*	
Child Day Care Home (four or less children not related)	p*	p*	p*	p*	
Child Day Care (more than four and no more than ten not related)	C*	C*	C*	C*	
Clinics	C	C	C	C	
Community building	C	C	C	C	
Golf Courses, except miniature courses and driving tees	P	P	P	P	
Hospitals	C*	C*	C*	C*	
Institutions	C*	C*	C*	C*	
Nurseries and greenhouses	C	C	C	C	
Nursery Schools	C*	C*	C*	C*	
Parking Lots	C*	C*	C*	C*	
Parks and playgrounds	P	P	P	P	
Places of Worship	C	C	C	C	
Private clubs and lodges	C	C	C	C	
Public Libraries	P	P	P	P	
Public Buildings	C	C	C	C	
EDUCATIONAL					
Educational Facility, Elementary	P	P	P	P	
Educational Facility, Secondary	P	P	P	P	
UTILITIES					
Accessory Utility Facilities that are not authorized without a conditional use permit	C*	C*	C*	C*	

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 found in Section 53.159 of this Article. (Ord. No. 9038, §1, 10-16-2018)

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. **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 it does not disturb the peace, quiet and comfort of neighboring residential property or at any time with a volume louder than is necessary for convenient hearing for the persons who are in the structure or on the property in or on which the noise is generated under the following additional conditions:
 - 1. The maximum volume of sound or noise generated does not exceed sixty (60) dB(A) at any point on the lot line of the lot on which the use is located on Mondays through Fridays between the hours of 7:00 AM to 8:00 PM local time; on Saturdays between the hours of 7:00 AM to 7:00 PM local time; and on Sundays between the hours of 9:00 AM to 7:00 PM local time.
 - 2. The maximum volume of sounds or noise generated does not exceed fifty-five (55) dB(A) at any point on the lot line of the lot on which the use is located for all other hours not listed in b.1. above.
 - 3. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
 - 4. Operating, playing or permitting the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which reproduces or amplifies sound is also considered "sound or noise" as listed in b.1. and b.2. above.
- c. **Odor.** Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- d. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted or exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- e. **Toxic Gases.** Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases exceeds the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- 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 the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- g. **Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Guidance for Radiation Protection through the EPA.

- h. **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.
- i. **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. (Ord. No. 9053, §1, 1/22/2019)

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 day care and group living uses.

a. **General Standards**

The following standards shall be applicable to all day care or group living uses:

- 1. 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.
- 2. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

b. **Adult or Child Day Care Homes**

- 1. The care of four (4) or less children who are not members of the householder’s family in a dwelling requires a business license for a home occupation. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be

requested, the day care use must be reviewed and approved through a Conditional Use Permit procedure under the requirements of Section 53.170 et. seq. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.

2. Child day care home uses which provide care for more than four (4) but no more than ten (10) children who are not members of the householder's family and adult day care home uses which provide care for no more than eight (8) adults are permitted under requirements specified in Section 53.170 et. seq. Should medical care, therapy, or other services which require the presence on site of an additional care provider or specialist be requested, the additional uses may be reviewed and approved through the Conditional Use Permit procedure. The City Plan Commission can impose conditions on additional parking and limitation on service hours for such uses as it determines necessary.
3. The owner or lessee of a dwelling 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 the premises is used to provide a Day Care Program for children or adults who are not members of the householder's family.

c. Group Care Home

1. Group Homes shall follow the Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves
2. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional caregivers can be increased with an equal decrease in the number of persons with a disability.
3. Group Care Homes for occupancy of more than eight (8) persons with a disability are permitted under requirements specified in Section 53.170 et. seq.

d. Residential Care Center

1. Residential Care Centers shall follow Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves

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 found in Section 53.159 of this Article. (Ord. No. 9038, §111, 10-16-2018)

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 it does not disturb the peace, quiet and comfort of neighboring residential property or at any time with a volume louder than is necessary for convenient hearing for the persons who are in the structure or on the property in or on which the noise is generated under the following additional conditions:
 1. The maximum volume of sound or noise generated does not exceed sixty (60) dB(A) at any point on the lot line of the lot on which the use is located on Mondays through Fridays between the hours of 7:00 AM to 8:00 PM local time; on Saturdays between the hours of 7:00 AM to 7:00 PM local time; and on Sundays between the hours of 9:00 AM to 7:00 PM local time.

2. The maximum volume of sounds or noise generated does not exceed fifty-five (55) dB(A) at any point on the lot line of the lot on which the use is located for all other hours not listed in b.1. above.
 3. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
 4. Operating, playing or permitting the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which reproduces or amplifies sound is also considered "sound or noise" as listed in b.1. and b.2. above.
- c. **Odor.** Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 - d. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted or exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 - e. **Toxic Gases.** Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases exceeds the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 - 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 the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 - g. **Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Guidance for Radiation Protection through the EPA.
 - h. **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. (Ord. No. 9053, §1, 1-22-2019)

Section 53.145. Development Standards for day care and group living uses.

a. General Standards

The following standards shall be applicable to all day care or group living uses:

1. 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
2. Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours.

b. Group Care Home

1. Group Homes shall follow the Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves
2. Group Care Homes for occupancy of eight (8) or fewer persons with a disability with up to two (2) additional residents acting as caregivers, are considered a household. The number of additional caregivers can be increased with an equal decrease in the number of persons with a disability.
3. Group Care Homes for occupancy of more than eight (8) persons with a disability are permitted under requirements specified in Section 53.170 et. seq.

c. Residential Care Center

1. Residential Care Centers shall follow Maximum Occupancy levels of all residential structures as determined by Section 404 Occupancy Limitations of the Code of Webster Groves.

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 found in Section 53.159 of this Article.

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

- a. Abattoirs.
- b. Arsenal.
- c. Auto wrecking or salvage.

- d. Blast furnace.
- e. Boiler works.
- f. Carpet or bag cleaning.
- g. Coke ovens.
- h. Cotton gin factory.
- i. Crematory.
- j. Distillation of bones, coal or wood.
- k. Fat rendering.
- l. Fish smoking and curing.
- m. Forge plant.
- n. Gunpowder storage.
- o. Fireworks or explosive storage.
- p. Incineration or reduction of garbage, dead animals, offal or refuse.
- q. Iron, steel, brass or copper works or foundry.
- r. Ore reduction.
- s. Petroleum or its products, refining or wholesale storage of.
- t. Plating works.
- u. Potash works.
- v. Rock crusher.
- w. Rolling mill.
- x. Salt works.
- y. Smelters.
- z. Stockyards.
- aa. Stone mill or quarry.
- bb. Storage or baling of scrap paper, iron, bottles, rags or junk except as permitted in "D" Commercial Districts.
- cc. Tanning, curing or storage of leather, rawhides or skins.

- dd. Wool pulling or scouring.
- ee. Advertising billboards or signs, except as permitted in “C” Commercial Districts.
- ff. Yeast plant.
- gg. Manufacture of any of the following: Acetylene gas; Acid; Alcohol; Ammonia, bleaching powder or chlorine; Asphalt; Brick, tile or terra cotta; Candle, Celluloid; Cement, lime, gypsum or plaster of paris; Creosote; Disinfectants; Dyestuff; Exterminator and insect poison; Emery cloth and sandpaper; Fertilizer; Gas (illuminating and heating); Glue, size or gelatin; Gunpowder; Fireworks or explosive; Lamp black; Oil cloth or linoleum; Oiled, rubber or leather goods; Paint, oil, shellac, turpentine or varnish; Paper and pulp; Printing ink; Pyroxlin; Sauerkraut; Sausage; Shoeblacking; Soap; Soda and compounds; Stove polish; Tallow, grease or lard; Tar; Tar roofing or waterproofing; Vinegar or pickle manufacture
- hh. 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.

(Ord. No. 9038, §1, 10-16-2018)

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. **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 it does not disturb the peace, quiet and comfort of neighboring residential property or at any time with a volume louder than is necessary for convenient hearing for the persons who are in the structure or on the property in or on which the noise is generated under the following additional conditions:
 1. The maximum volume of sound or noise generated does not exceed sixty (60) dB(A) at any point on the lot line of the lot on which the use is located on Mondays through Fridays between the hours of 7:00 AM to 8:00 PM local time; on Saturdays between the hours of 7:00 AM to 7:00 PM local time; and on Sundays between the hours of 9:00 AM to 7:00 PM local time.
 2. The maximum volume of sounds or noise generated does not exceed fifty-five (55) dB(A) at any point on the lot line of the lot on which the use is located for all other hours not listed in b.1. above.
 3. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
 4. Operating, playing or permitting the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which reproduces or amplifies sound is also considered “sound or noise” as listed in b.1. and b.2. above.
- c. **Odor.** Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- d. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted or exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- e. **Toxic Gases.** Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases exceeds the emission levels of the

requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.

- 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 the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- g. **Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Guidance for Radiation Protection through the EPA.
- h. **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.
- i. **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.
- j. **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.

(Ord. No. 9053, §1, 1-22-2019)

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 day care uses.

a. General Standards

The following standards shall be applicable to all day care uses:

1. 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
2. Off-street parking be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours. (Ord. No. 9058, §1, 3-19-2019)

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. Use Table for Commercial, Industrial and Planned Districts.

Permitted, conditional and accessory uses are found in the chart below. Conditional Uses are permitted under requirements specified in Section 53.170. et seq.

Any building used primarily for any of the permitted purposes may have 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; 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. (Ord. No. 9038, §1, 10-16-2018; Ord. No. 9074, §1, 7-16-2019)

Uses: P=Permitted; C=Conditional; A=Accessory

* means is allowed with regulations see zoning sections

means allowed per the restrictions of the "E" District

** means can be requested during rezoning for limited use

PC District uses shall be requested from the "C" and "D" permitted and conditional uses during rezoning.

MEC District uses shall be requested from the "EC-1" and "EC-2" uses during the Campus Master Plan approval.

USE GROUP	ZONING DISTRICT AND CATEGORY					
	B2	C	D	E	EC-1	EC-2
RESIDENTIAL						
Single-family dwellings		P			p*	p*
Two-family dwellings		p*				
Multiple-Family dwellings	P		C			
Bed and Breakfast Facility		p*				
Faculty Housing					C	C
Group Care Home (Eight or less disabled persons)		p*	p*			
Group Care Home (More than eight disabled persons)		p*	p*			
Home Occupation	p*	p*	p*			
Long Term Care Facilities		C*			C*	C*
Residential structures and garages	A	A				
Residential Care Center		p*	p*			
Student Housing					C*	C*
CIVIC						
Public Safety Facilities		P	P	P		
PUBLIC/RECREATIONAL						
Accessory Use parking areas		A		#		
Adult Day Care Center		p*	p*	p*		
Adult Day Care Home		C*				
Amusement Place	**	P		#		
Art Gallery	**	P	P	#		
Art Studio	**	P	P	#		
Athletic Fields		C		C	C	C
Athletic Facilities		C		#	C	C
Auditorium				#		P
Banquet Facility		C	C	#		
Cemetery		C		C		
Child Day Care Center		p*	p*	p*	C*	
Child Day Care Home (four or less children not related)		p*				
Child Day Care Home (more than four and no more than ten not related)		C*				
Clinics		C		C		

PUBLIC/RECREATIONAL CONTINUED							
Community building			C		C		
Dancing Academy	**		P	C	#		
Golf Courses, except miniature courses and driving tees			P		#		
Gymnasium	A		A		#	A	A
Hospitals			C*		C		
Institutions			C*		C		
Libraries	**		P	P	#		
Nurseries and greenhouses			C		C		
Nursery Schools			C*	C*	C	C	C
Parking Lots			C*	C*	C*	p*	p*
Parking Garage			C	C	#		p*
Parks and playgrounds	P		P	P	#	P	P
Places of Worship			C	C	C	C	C
Post Office	**		P	P	#		
Private clubs and lodges			C	C	C		
Public Buildings			C	C	C		
Recreation facility			P	P	#		
Residential or outpatient facilities for the treatment of alcohol and other drug abuse			C				
OFFICE/COMMERCIAL/SERVICE							
Animal Grooming	**		P	P	#		
Appliance Repair	**		P	P	#		
Automobile Dealership			C		C		
Automotive Detailing			C		#		
Automotive Repair and Services Facility			C		#		
Automotive Retail Supply	**		P	P	#		
Bakery, Retail	**		P	P	#		
Bakery, Wholesale			C	C	#		
Bicycle sales and repair shop	**		P	P	#		
Brewery					#		
Broadcasting Studio	**		P	P	#		
Business and commercial school			P	C	#		
Car Wash			C		#		
Catering establishment	**		P		#		
Coffee Shop, no drive-thru	**		P	C	#		
Coffee Shop, drive-thru			C		#		
Commerical Service Facility	**		P	P	#		
Convenience Store (with gasoline)			C		#		
Convenience Store (without gasoline)	**		P		#		
Dressmaking and Tailoring Establishment	**		P	P	#		
Drinking Establishment			C*	C*	C*		
Drug Store and Pharmacy, no drive-thru	**		P	P	#		
Drug Store and Pharmacy, drive-thru			C		#		
Dry cleaning establishment	**		P	P	#		
Filling station with pumps			C		#		
Financial Institution, no drive-thru	**		P	P	#		
Financial Institution, drive-thru			C		#		
Fruit Stands			C		#		
Grocery	**		P	P	#		
OFFICE/COMMERCIAL/SERVICE CONTINUED							
Hotel			P	C			
Industrial Sales and Service			C		#		
Laboratory- professional, scientific					#		
Laundry having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour			P		#		
Manufacturing, fabrication, assembly, processing, or packing					#		

Microbrewery		C*	C*	#		
Mortuary		P	P	#		
Office for the conduct of any lawful business or professional pursuit	**	P		#		
Oil Change Facility		C		#		
Painting and decorating shop	**	P		#		
Pawn Shops		C*		C*		
Personal Services	**	P	P	#		
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility		P		#		
Research facility		P		#		
Restaurant, no drive-thru	**	P	C	#		
Restaurant, drive-thru		C		#		
Retail Sales establishment, no drive-thru	**	P	P	#		
Retail Sales establishment, drive-thru	**	C		#		
Self-Storage facility		C		#		
Sexually Oriented Businesses		P*				
Shoe repair shop	**	P	P	#		
Small Loan Business		C*		C*		
Substance abuse facilities - outpatient		C		#		
Substance abuse facilities - inpatient		C				
Tattoo or Body Piercing Establishments		C*		C*		
Theater, Indoor				#		P
Upholstering shop, not involving any furniture manufacturing	**	P		#		
Veterinary Clinic	**	P	P	#		
Warehouse, general				#		
EDUCATIONAL						
Educational Facility, Elementary		P			P	P
Educational Facility, School for the Arts	**	P	C	#	P	P
Educational Facility, Secondary		P			P	P
Educational Facility, Seminary					P	P
Educational Facility, Special Needs					P	P
Educational Facility, Small College					P	P
Educational Facility, University					P*	P
EDUCATIONAL CONTINUED						
Student Bookstore						P
Student Union						P
UTILITIES						
Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220		C*	C*	C*		
Radio and Television Towers and Antennas in excess of forty (40) feet in height		C				
Wireless telecommunications towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions				C*		

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. Conditional Use Permit Procedures.

Approval of a Conditional Use Permit (CUP) procedure and/or CUP amendments shall proceed in accordance with the provisions of Section 53.800 “**Changes and Amendments**” et. seq. (Ord. No. 9037, §1,10-2-2018)

Section 53.172. City Plan Commission Action.

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.

Approval of a Conditional Use Permit (CUP) procedure and/or amendment shall proceed in accordance with the provisions of Section 53.800 “**Changes and Amendments**” et. seq. (Ord. No. 9037, §1,10-2-2018)

Section 53.173. City Council Action.

Approval of a Conditional Use Permit (CUP) procedure and/or CUP amendment shall proceed in accordance with the provisions of Section 53.800 “**Changes and Amendments**” et seq.

- a. 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. (Ord. No. 9037, §1,10-2-2018)

Section 53.174. Amendments to a Conditional Use Permit.

Approval of a Conditional Use Permit (CUP) amendment shall proceed in accordance with the provisions of Section 53.800 “**Changes and Amendments**” et. seq. (Ord. No. 9037, §1,10-2-2018)

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.

Appeals or protests shall proceed in accordance with the provisions of Section 53.800 "Changes and Amendments" et. seq. (Ord. No. 9037, §1,10-2-2018)

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.

The requirements of this section shall apply when any new structure is constructed or any existing structure is reconstructed, enlarged or converted for a use needing additional parking and loading capacity.

a. Minimum and Maximum Parking and Loading Space Requirements.

1. Minimum Parking Space Requirements.

The minimum number of off-street parking spaces required for permitted and conditional uses are found in Section 53.186 of this Article. Where no minimum requirement is specified, or when one or more of the parking requirements may be construed as applicable to the same use, lot or building, the final determination of required parking shall be made by the Director of Planning & Development.

2. Maximum Parking Space Requirements.

The maximum number of off-street parking spaces allowed for permitted and conditional multiple family residential, commercial, industrial and institutional uses shall be no more than 120% of the space requirements found in Section 53.186 of this Article.

3. Minimum Loading Space Requirements.

i. Dimensional Requirements.

Each loading space shall have a minimum dimension of twelve (12) by thirty five (35) feet and a minimum vertical clearance of fourteen (14) feet. Each loading space shall include maneuvering space with a minimum depth of forty nine (49) feet.

ii. Commercial Uses.

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 devoted to commercial purposes.

iii. Industrial Uses.

One (1) loading space shall be provided on the lot 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 purposes.

4. Computation of Parking and Loading Requirements

i. Applicability

When an existing structure is reconstructed, enlarged, or converted for a use needing additional parking capacity, the new number of parking and loading spaces required shall be calculated incrementally based upon the net additional gross square footage of the new or expanded use. In the event it is not possible to accommodate the additional needed off-street parking, a reduction to the parking requirement may be requested in accordance with Section 53.185.

- ii. Fractions.
When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded down to the next lower whole number.
- iii. Multiple Uses.
Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses, except as prescribed in Section 53.185
- iv. Area Measurements.
 - A. Unless otherwise specified, all square footage-based parking and loading standards shall be calculated on the gross floor area of the use.
 - B. Structured parking within a building shall not be included as floor area of the use.
- v. Off-Street Loading and Service Areas.
Required off-street loading spaces shall not be counted as off-street parking spaces. Parking spaces located in the bays of vehicle repair or service facilities, or stacking spaces in drive-through lanes for any use that requires additional parking spaces shall not be counted as parking spaces for the purpose of meeting the required parking for such a use.

b. Off-street Parking Facility Design.

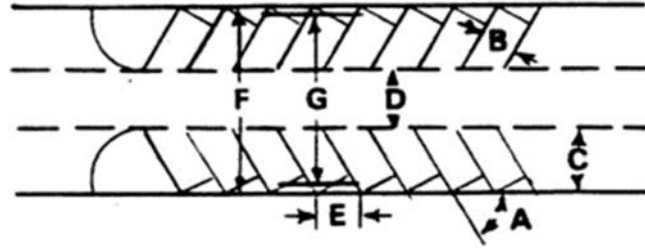
1. Minimum dimensions.

Except as otherwise provided for in this subsection, the requirements for off-street parking facilities shall be implemented with regard to the minimum dimensions in the following Table 53.182A. Required parking stalls, aisles, and curbs shall be clearly and visibly marked. In the event that the desired parking angle is not specified by the following table, the Director of the Department of Planning & Development may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.

Table 53.182A: Parking facility minimum dimensions

Parking Angle (degrees)	Stall Width (feet)	Min. Length Stall to Curb (feet)	Aisle Width (feet)	Curb Length per Car (feet)	Curb to Curb (feet)	Center to Center Width Double Row (feet) ^[1]
A	B	C	D	E	F	G
45	9.0	19.7	12.5	12.7	51.9	45.6
60	9.0	21.0	17.5	10.5	59.5	55.0
90	9.0	19.0	22.0	9.0	60.0	—
Notes	^[1] With aisle between; additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.					

- A. parking angle
- B. stall width
- C. 19' min. stall to curb
- D. aisle width
- E. curb length per car
- F. curb to curb
- G. center to center width of double row with aisle between



2. Location.

All parking and loading spaces required by this Code shall be located on the same parcel of land as the use to be served except as provided in Sections 53.184 and 53.185.

- i. In the "A1" through "A4" Residence Districts, required parking spaces shall be located behind the existing front building line of the primary structure. This space can be located in a driveway or in an approved attached garage or accessory structure.
- ii. In the "D" Commercial District, all parking spaces shall be located behind the existing front building line of the primary structure.
- iii. In all commercial and industrial districts, no commercial vehicles, trailers or equipment with a gross vehicle weight rating exceeding 26,000lbs, as defined by the United States Federal Highway Administration, shall be parked or stored at any time in the front yard with the exception of trucks making delivery to the premises, which may be parked in the front yard area for a period not exceeding one (1) hour per day.

3. Construction and Stormwater Management.

All off-street parking facilities shall be constructed to adhere to the Building Code and Land Disturbance Code requirements of the Municipal Code.

4. Tree and Landscape Design.

All new off-street parking facilities and modification of existing parking facilities in which six (6) or more additional parking spaces will be established shall adhere to the Tree and Landscape Design Standards of the Municipal Code.

5. Accessible Parking.

The number and design specifications for required accessible parking spaces shall adhere to the Building Code requirements of the Municipal Code.

6. Additional Driveway Design Requirements..

- i. Residential driveway width.
 - A. At single and two family dwellings, driveway width shall meet a minimum of eight (8) feet with the exception of the one (1) required parking space per dwelling unit and the curb cut width at the right of way. The required parking space shall meet the minimum 9 x 19 foot parking stall dimensions and the curb cut shall meet the dimensions in ii below.
 - B. At single and two family dwellings, driveway width in the portion of the front yard located directly in front of the dwelling shall not exceed that which is necessary to access the required one (1) parking space located in the rear

yard or that portion of the side yard which lies between the main building and the side lot lines or that which is necessary to access the parking stalls of a front entry attached garage.

C. Requests to exceed the maximum driveway width in the portion of the front yard located directly in front of the dwelling shall be accompanied by a site plan produced by a licensed professional engineer for the review of the Director of Planning and Development. Requests may be administratively approved if the applicant meets its burden of proof by showing clear and convincing evidence that the requested modifications are appropriate to the site and do not cause detriment to the adjacent properties.

ii. Driveway curb cut width.

Driveway curb cut width shall not be narrower than ten (10) feet and shall not exceed twenty-four (24) feet at the front lot line.

iii. Minimum turning radius.

Driveways shall have a minimum outside turning radius of twenty-eight (28) feet.

iv. Driveway materials

The use of pervious materials and designs are encouraged. A solid surface will be required for the location of the tires of the vehicle. Designs must meet all other City codes for Land Disturbance (Chapter 81) and Stormwater (Chapter 82).

c. Bicycle Parking.

1. Required Number of Bicycle Parking Spaces

When any new structure is constructed or any existing structure is enlarged, bicycle parking shall be provided as follows for any net additional square footage:

Use	Bicycle Parking Spaces ¹
Multiple family (4 or more units)	2 spaces or 1 space per 20 units
Office, Government, Healthcare	2 spaces or 1 space per 20,000sqft.
Commercial Sales and Services	2 spaces or 1 space per 10,000sqft.
Community Uses	2 spaces or 1 space per 10,000sqft.
Education	1 space per classroom
All other non-residential uses	2 spaces plus 1 space per 10 off-street vehicle parking spaces to a maximum of 10 bicycle parking spaces
¹ Whichever measurement results in the higher number of bicycle parking spaces	

2. Design and Location.

i. Bicycle parking facilities shall include a rack or storage facility (e.g. locker) that enables bicycles to be secured. Where racks are used, they shall meet the following standards:

A. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock when both wheels remain attached to the bicycle

B. A bicycle six (6)-ft long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner to block free pedestrian access or access to other bicycle parking spaces

- C. The rack must be securely anchored
 - D. Bicycle racks and storage facilities shall be accessible without moving another bicycle
 - ii. Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas with easy access within fifty (50)-ft of main entrances of all commercial, residential and institutional buildings. Such locations shall be clearly noted with signage.
 - iii. Bicycle racks and storage facilities shall be located so they do not interfere with pedestrian traffic and shall be protected from potential damage by motor vehicles.
 - iv. Bicycle racks and storage facilities shall not be located within any required landscape area
 - v. When incorporated with a site plan including a parking structure, half of required bicycle parking spaces shall be provided within said structure on the parking level closest to the primary pedestrian entrance.
3. Reduction in Required Vehicle Parking for Bicycle Parking.
The total number of required off-street vehicle parking spaces pursuant to Section 53.182(a.) may be reduced at a ratio of one (1) vehicle parking space per every two (2) bicycle parking spaces provided. The total number of required vehicle parking spaces shall not be reduced by more than ten percent (10%) for any project due to bicycle parking. Said reduction shall be included within the calculations for any request for modification of parking standards pursuant to Section 53.185.
4. Computation of Parking and Loading Requirements
- i. Fractions.
When measurements of the number of required bicycle parking spaces result in a fractional number, any fraction shall be rounded down to the next lower whole number.
 - ii. Multiple Uses.
Lots containing more than one use may share bicycle facilities but shall provide bicycle parking in an amount equal to the total of the requirements for all uses
 - iii. Area Measurements.
 - A. Unless otherwise specified, all square footage-based bicycle parking standards shall be calculated on the gross floor area of the use.
 - B. Structured parking within a building shall not be included as floor area of the use.

(Ord. No. 9131, §1, 12-1-2020)

Section 53.183. Parking and Vehicle Storage in Residential Districts.

- a. Commercial Vehicles.
 - 1. Commercial vehicles used in connection with the operation of a licensed Home Occupation shall adhere to the requirements of Section 53.206.
 - 2. Except as provided below, all other commercial vehicles stored in residence districts shall be parked in an enclosed garage or on a parking space within the rear yard where screening from neighboring properties and the public right-of-way can be provided by means of an appropriate year-round vegetative buffer, fencing, or combination thereof.

3. Commercial vehicles not in excess of a gross vehicle weight rating of ten thousand (10,000) lbs., as defined by the United States Federal Highway Administration, may be parked on a parking space in a front yard or side yard in a residence district if the owner or operator of such trailer or truck may establish to the satisfaction of the City that:
 - i. The expense of constructing a garage would constitute a real, substantial, and genuine financial hardship to said owner or operator, or
 - ii. The topography or shape of the lot or location of the structures on the lot makes the construction and use of a garage or rear yard parking space physically impossible.
 - iii. To establish such a hardship, the owner of such vehicle residing upon the property in question may apply for such relief by filing with the Director of Planning & Development, a duly executed affidavit setting out all the facts upon which such claim if any, for relief may be made, and the Director 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 Director 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 vehicle mentioned therein is disposed of or sold.
- b. Trailers, campers, boats, and RVs.
 1. In residence districts, trailers, campers, boats, RVs, and similar such vehicles as determined by the Director of Planning & Development which are not used for commercial or industrial purposes may be parked or stored on a parking space in a rear yard in compliance with the appropriate district regulations pertaining to the location of accessory buildings and structures.
 2. Such vehicles may be stored on a paved driveway surface in the front or side yards of any residence district for a period of not more than ten (10) days two (2) times per year.
- c. Dumpsters.

Dumpsters and trailers serving as a trash receptacle during remodeling, construction of a home, or removal of debris, may be stored on a paved driveway surface in the front or side yards in a residence district for a period of not more than ninety (90) days. In no event shall the use continue for more than fifteen (15) days following the completion of such activity on the property.

(Ord. No. 9131, §1, 12-1-2020)

Section 53.184 Development Standards for Accessory Parking Facilities

Accessory parking facilities shall be permitted upon meeting the conditions below, and upon compliance with the provisions of Section 53.170, et. seq.

- a. Accessory parking facilities may be located within three hundred (300) feet of the primary use.

- b. Accessory parking facilities shall not be located in a required or established front yard.
- c. Parking shall not be located within ten (10) feet of a rear or side lot line abutting a residence district.
- d. Accessory parking facilities shall adhere to the Tree and Landscape Design Standards in Chapter 10 of the Municipal Code.
- e. In residence and commercial districts, accessory parking facilities shall not be used for the parking or storage of trailers, RVs, commercial tractor-trailers, or similar such vehicles as determined by the Director of Planning & Development.
(Ord. No. 9131, §1, 12-1-2020)

Section 53.185. Modification of Parking Standards.

A request for an exception from the off-street parking requirements applicable to single family dwelling and two family dwelling uses may be submitted to the Board of Adjustment, in accordance with Section 53.300 et. al.

With respect to all other uses, 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; requests to modify the parking standards for shared parking; 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 twenty percent (20%) of the minimum parking requirement.
 - B. Requests for a reduction that exceed twenty percent (20%) 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 provide off-street parking in excess of one hundred and twenty percent (120%) of the minimum parking requirement 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.

3. Requests for shared parking:

Where two or more land uses listed in separate use categories share a parking lot, parking lots, or structure, the total off-street parking required for those uses may be reduced based on a parking study approved by the Director of Planning & Development and/or the City Plan Commission in accordance with Section 53.185(d.1.). Said study should explain the parking demands of the land uses within the development and how business practices or hours of operation impact the demand for parking at different times of the day. Subsequent to approval of such a parking study, an appropriate legal instrument shall be recorded by the property owner with the County Recorder of Deeds. This legal instrument shall be binding upon the owner and his successors and assigns and shall limit

and control the use of land included in the development to those uses and conditions approved by the Director

(Ord. No. 8851, 1-6-2015; Ord. No. 9131, §1, 12-1-2020)

Section 53.186 Minimum Required Off-street Parking by Use Table.

Use	Minimum Off-street Parking Requirement
RESIDENTIAL	
Single-family dwelling	One (1) parking space per dwelling unit, located behind the front building line
Two-family dwelling	One (1) parking space per dwelling unit, located behind the front building line
Multiple-Family dwelling	1.5 parking spaces per dwelling unit, located behind the front building line
Bed and Breakfast Facility	One (1) parking space for the owner/manager, located behind the front building line, plus 1 space per guest room
Faculty Housing	One (1) parking space per dwelling unit, located behind the front building line
Group Care Home (Eight or less disabled persons)	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Group Care Home (More than eight disabled persons)	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Home Occupation	One (1) off street parking space for employees that do not reside in the dwelling and One (1) off street parking space for Home Occupations that have regular customer visits or deliveries of material, supplies or products to the home.
Long Term Care Facilities	One (1) parking space per 2 units, plus 2 spaces for every 3 employees on the maximum shift
Residential Care Center	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Use	Minimum Off-street Parking Requirement
CIVIC	

Public Safety Facilities	2 spaces for every 3 employees on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises
PUBLIC/RECREATIONAL	
Adult Day Care Center	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Adult Day Care Home	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Amusement Place	One (1) parking space for each three hundred (300) square feet of commercial floor space
Art Gallery	One (1) parking space for each three hundred (300) square feet of commercial floor space
Art Studio	One (1) parking space for each three hundred (300) square feet of commercial floor space
Athletic Fields	One (1) parking space for every ten (10) seats in the main auditorium, stadium, or other place of public assembly. (One seat is equal to 2 feet of bench length)
Athletic Facilities	One (1) parking space for every ten (10) seats in the main auditorium, stadium, or other place of public assembly. (One seat is equal to 2 feet of bench length)
Auditorium	One (1) parking space for every ten (10) seats in the main auditorium, stadium, or other place of public assembly. (One seat is equal to 2 feet of bench length)
Banquet Facility	One (1) parking space for every 3 seats plus 2 spaces for every 3 employees on the maximum shift
Cemetary	Two (2) parking spaces for every 3 employees on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises
Use	Minimum Off-street Parking Requirement
PUBLIC/RECREATIONAL (continued)	

Child Day Care Center	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Child Day Care Home (four or less children not related)	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Child Day Care Home (more than four and no more than ten not related)	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Clinic	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Community building	Three (3) parking spaces for every one thousand (1,000) square feet of gross floor area and 1 space for every 10 seats in an accessory auditorium (One seat is equal to 2 feet of bench length)
Dancing Academy	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities.
Golf Courses, except miniature courses and driving tees	Parking space equivalent to 1 percent of the total land area. Parking areas along roads or private drives may be used to fulfill this requirement
Gymnasium	One (1) parking space for every one thousand (1,000) square feet gross floor area
Hospital	One (1) parking space for every 2 beds, plus 1 space for every staff doctor and employee on the maximum shift
Institutions	One (1) parking space for each three hundred (300) square feet of commercial floor space
Libraries	Three (3) parking spaces for every one thousand (1,000) square feet of gross floor area and 1 space for every 10 seats in an accessory auditorium
Nurseries and greenhouses	One (1) parking space for each three hundred (300) square feet of commercial floor space
Nursery School	Off-street parking shall be provided for the owner/operator plus any employee and anyone parking for more than two (2) hours
Use	Minimum Off-street Parking Requirement
PUBLIC/RECREATIONAL (continued)	

Parks and playgrounds	Parking Space equivalent to 1 percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.
Place of Worship	One (1) parking space for every five (5) seats, to be located on site or within 200 feet of parcel. (One seat is equal to 2 feet of bench length)
Post Office	Two (2) parking spaces for every 3 employees on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises.
Private clubs and lodges	One (1) parking space for every 4 seats or 1 space for every 50 sq. ft. of floor area used for public assembly. (One seat is equal to 2 feet of bench length.)
Public Buildings	Three (3) parking spaces for every one thousand (1,000) square feet of gross floor area and 1 space for every 10 seats in an accessory auditorium. (One seat is equal to 2 feet of bench length)
Recreation facility	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Residential or outpatient facilities for the treatment of alcohol and other drug abuse	One (1) parking space for every 2 beds, plus 1 space for every staff doctor and employee on the maximum shift
OFFICE/COMMERCIAL/SERVICE	
Animal Grooming	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Appliance Repair	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Automobile Dealership	3 1/3 spaces for every 1,000 sq. ft. gross floor area of sales and showroom area, 3 spaces for every service bay in repair garage areas, and one space for every vehicle customarily used in the operation of this use or stored on the premises. This shall not include space provided for vehicles for sale or lease
Automotive Detailing	One (1) parking space for every employee on the maximum shift, 3 spaces for every service bay, and 1 space for every vehicle customarily used in operation of the use
Use	Minimum Off-street Parking Requirement
OFFICE/COMMERCIAL/SERVICE (continued)	

Automotive Repair and Services Facility	One (1) parking space for every employee on the maximum shift, 3 spaces for every service bay, and 1 space for every vehicle customarily used in operation of the use
Automotive Retail Supply	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Bakery, Retail	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Bakery, Wholesale	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Bicycle sales and repair shop	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Brewery	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Broadcasting Studio	Two (2) parking spaces for every 3 employees on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises
Business and commercial school	One (1) parking space for every classroom and office, and 1 space for every four (4) students
Car Wash	One (1) vehicle space in each stall and four (4) stacking spaces per stall
Catering establishment	One (1) parking space for every employee, plus one (1) space for every vehicle customarily used in operation of the use or stored on the premises
Coffee Shop, no drive-thru	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Coffee Shop, drive-thru	One (1) parking space for every 2 seats plus 2 spaces for every 3 employees on the maximum shift and one space at order stations, with 5 stacking spaces per station
Commerical Service Facility	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Use	Minimum Off-street Parking Requirement
OFFICE/COMMERCIAL/SERVICE (continued)	

Convenience Store (with gasoline)	One (1) parking space per 250sqf of gross floor area, excluding service bay; 3 parking spaces per service bay; one (1) parking space per employee during maximum shift
Convenience Store (without gasoline)	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Dressmaking and Tailoring Establishment	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Drinking Establishment	One (1) parking space for every 3 seats plus 2 spaces for every 3 employees on the maximum shift
Drug Store and Pharmacy, no drivethru	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Drug Store and Pharmacy, drivethru	3 1/3 spaces for every 1,000 sq. ft. gross floor area (excluding under canopy). For drive-through tellers, one vehicle at each teller and 2 stacking spaces per teller
Dry cleaning establishment	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Filling station with pumps	One (1) parking space per 250sqf of gross floor area, excluding service bay; 3 parking spaces per service bay; one (1) parking space per employee during maximum shift
Financial Institution, no drive-thru	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Financial Institution, drive-thru	3 1/3 spaces for every 1,000 sq. ft. gross floor area (excluding under canopy). For drive-through tellers, one vehicle at each teller and 2 stacking spaces per teller
Fruit Stands	Four (4) parking spaces for every 1,000 sq. ft. of indoor and outdoor sales areas
Grocery	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Hotel	100 guest rooms or fewer: 1 per guest room; 101 to 150 guest rooms: 0.85 per guest room; More than 150 guest rooms: 0.70 per guest room
Industrial Sales and Service	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Use	Minimum Off-street Parking Requirement
OFFICE/COMMERCIAL/SERVICE (continued)	

Laboratory- professional, scientific	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Laundry having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Manufacturing, fabrication, assembly, processing, or packing	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Medical Marijuana Cultivation Facility	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Medical Marijuana Dispensary Facility	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Medical Marijuana-Infused Products Manufacturing Facility	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Medical Marijuana Testing Facility	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Microbrewery	One (1) parking space for every 3 seats plus 2 spaces for every 3 employees on the maximum shift
Mortuary	One (1) parking space for every 5 seats, 10 space minimum
Office for the conduct of any lawful business or professional pursuit	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Oil Change Facility	One (1) parking space for every employee on the maximum shift and 3 stacking spaces for every service bay
Painting and decorating shop	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Pawn Shops	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Use	Minimum Off-street Parking Requirement

OFFICE/COMMERCIAL/SERVICE (continued)	
Personal Services	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
Research facility	3 1/3 spaces for every 1000 sq. ft. of gross floor area up to 50,000 sq. ft., plus 2½ spaces for every 1000 sq. ft. gross floor area over 50,000 sq. ft.
Restaurant, no drive-thru	One (1) parking space for every 3 seats plus 2 spaces for every 3 employees on the maximum shift
Restaurant, drive-thru	One (1) parking space for every 2 seats plus 2 spaces for every 3 employees on the maximum shift and one space at order stations, with 5 stacking spaces per station
Retail Sales establishment, no drivethru	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Retail Sales establishment, drivethru	3 1/3 spaces for every 1,000 sq. ft. gross floor area (excluding under canopy). For drive-through tellers, one vehicle at each teller and 2 stacking spaces per teller
Self-Storage facility	3 1/3 spaces per 1,000 sq. ft. of office, 1 space for caretaker, drive aisles a minimum of 24 feet in width
Sexually Oriented Businesses	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Shoe repair shop	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Small Loan Business	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Substance abuse facilities - outpatient	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Substance abuse facilities - inpatient	One (1) parking space for every 2 beds, plus 1 space for every staff doctor and employee on the maximum shift
Use	Minimum Off-street Parking Requirement
Tattoo or Body Piercing Establishments	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space

Theater, Indoor	One (1) parking space for every 4 seats or 1 space for every 50 sq. ft. of floor area used for public assembly
Upholstering shop, not involving any furniture manufacturing	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Veterinary Clinic	One (1) parking space for each three hundred (300) sq. ft. of commercial floor space
Warehouse, general	One (1) parking space for each six hundred (600) sq. ft. of floor space or one (1) parking space for each three (3) employees on any one working shift, whichever is greater
EDUCATIONAL	
Educational Facility, Elementary	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities.
Educational Facility, Secondary	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities.
Educational Facility, Seminary	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities; one (1) parking space for every two (2) beds for student housing.
Educational Facility, Special Needs	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities; one (1) parking space for every two (2) beds for student housing.

Educational Facility, Small College	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities; one (1) parking space for every two (2) beds for student housing.
Educational Facility, University	One (1) parking space per three hundred (300) square feet of the gross floor area of administrative, faculty and staff offices; One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities; One (1) parking space per every ten (10) seats for theater, auditorium or athletic facilities; one (1) parking space for every two (2) beds for student housing.
Student Bookstore	One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities;
Student Union	One (1) parking space per one thousand (1,000) square feet of the gross floor area of teaching facilities, libraries, and service facilities;
UTILITIES	
Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220	One (1) parking space for every vehicle customarily used in operation of the use or stored on the premises
Radio and Television Towers and Antennas in excess of forty (40) feet in height	One (1) parking space for every vehicle customarily used in operation of the use or stored on the premises
Wireless telecommunications towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions	One (1) parking space for every vehicle customarily used in operation of the use or stored on the premises

(Ord. No. 9131, §1, 12-1-2020)

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 place of worship, educational facility, 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. (Ord. No. 9064, §1, 4-16-2019)

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

The establishment of new small loan businesses, pawnshops, tattoo or body piercing establishments, and medical marijuana facilities 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, tattoo or body piercing establishments, and medical marijuana facilities 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, tattoo or body piercing establishments, and medical marijuana facilities:

- 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 place of worship, educational facility, 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, tattoo or body piercing establishments, or medical marijuana facility may be located within one hundred fifty (150) 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, tattoo or body piercing establishments, and medical marijuana facilities shall be limited to between 8:00 a.m. and 9:00 p.m. daily.
- e. Medical Marijuana Dispensary Facilities proposed within one thousand (1,000) feet 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 place of worship, educational facility or public park are permitted under requirements specified in Section 53.170 et. seq. (Ord. No. 9064, §1, 4-16-2019)

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 53.206. Development Standards for Home Occupations.

Home occupations shall comply with the following development and operations standards. When the standards of the underlying zoning district conflict with the standards herein, the following development standards shall apply. Should the home occupation proposed not meet the following standards, variations from the standards may be reviewed and approved through the Conditional Use Permit procedure under the requirements of Section 53.170 et. seq.

- a. All home occupations shall have a valid occupancy permit and obtain a business license.
- b. The business shall be owned by a member of the household listed on the occupancy permit. Renters shall obtain permission from the property owner to apply for a home occupation.
- c. Other than the household residing within the dwelling, there shall be no more than one (1) full time equivalent employee and no more than one (1) employee at a given time. Applications for more than one (1) full time equivalent employee or multiple part time employees are permitted under requirements specified in Section 53.1170 et. seq.
- d. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation shall be conducted entirely within the residence or accessory structure of the property.

- e. There should be no visible evidence of the home occupation, including but not limited to, alterations to the exterior of the residence which changes the character of the residence, exterior displays or the outdoor storage of materials or equipment used in the home occupation.
- f. The home occupation shall not require the installation of mechanical, electrical or plumbing equipment or service other than that which is typical for domestic or hobby purposed.
- g. Hours of Operation for businesses which have customers, clients, or students coming to the property shall maintain hours of operation of 8:00 am to 7:00 pm.
- h. No more than three (3) customers, clients, or students may be at the property at one time for home occupation purposes. Applications for more than three (3) customers, clients, or students are permitted under requirements specified in Section 53.170 et. seq.
- i. Larger sales of products or events associated with the home occupation shall follow Section 70.291 Garage, Estate, Moving and Yard Sales.
- j. No traffic shall be generated in greater volume than would normally be expected in a residential neighborhood.
- k. No signage shall be allowed for the home occupation.
- l. The following performance standards shall apply to all home occupations:
 - 1. **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.
 - 2. **Noise.** Every use shall be so operated that it does not disturb the peace, quiet and comfort of neighboring residential property or at any time with a volume louder than is necessary for convenient hearing for the persons who are in the structure or on the property in or on which the noise is generated under the following additional conditions:
 - i. The maximum volume of sound or noise generated does not exceed sixty (60) dB(A) at any point on the lot line of the lot on which the use is located on Mondays through Fridays between the hours of 7:00 AM to 8:00 PM local time; on Saturdays between the hours of 7:00 AM to 7:00 PM local time; and on Sundays between the hours of 9:00 AM to 7:00 PM local time.
 - ii. The maximum volume of sounds or noise generated does not exceed fifty-five (55) dB(A) at any point on the lot line of the lot on which the use is located for all hours not listed in b.1 above.
 - iii. Outdoor loudspeakers and audible communication systems are not permitted within on thousand (1,000) feet of a residential district.
 - iv. Operating, playing or permitting the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which reproduces or amplifies sound is also considered "sound or noise" as listed in 2.i. and 2.ii. above.
 - 3. **Odor.** Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.

4. **Smoke.** Every use shall be so operated that no smoke from any space shall be emitted or exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
 5. **Emission of Dirt, Dust, Fly Ash or Other Forms of Particulate Matter.** Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- m. All vehicles used for the primary purpose of the home occupation and that have indicators that the vehicle is designed or used for commercial purposes shall be parked in an enclosed garage on the site with the following exceptions:
1. A commercial vehicle may be permitted to park in the rear yard in instances where screening from neighboring properties and the public right-of-way can be provided by means of an appropriate year-round vegetative buffer, fencing or a combination thereof.
 2. A single trailer with a cargo area/work platform, not to exceed the length of 14' and attached to a vehicle which is customarily used in the home occupation may be stored on the premises, but no construction or business equipment/materials may be stored on such trailer.
- n. Deliveries related to home occupations shall be limited to the United States Postal service, parcel delivery services and messenger services. Home occupations shall not involve commercial delivery by tractor-trailer of materials or products to or from the premises.
- o. Off street parking shall be provided under the following in addition to meeting Section 53.182 Off-Street Parking of the City Code:
1. One (1) off street parking space for employees that do not reside in the dwelling;
 2. One (1) off street parking space for home occupations that have regular customer visits or deliveries of material, supplies or products to the home.
- p. The following uses are required to obtain a Conditional Use Permit under the requirements specified in Section 53.170 et. seq.
1. Construction Companies (exception for the home office use of the business only)
 2. Landscape Care (exception for the home office use of the business only)
- q. The following is a list of prohibited "home occupations":
1. Ammunition or Firearm sales
 2. Automotive Repair and Services
 3. Dancing Academy
 4. Funeral Homes
 5. Food production or sales with the exception of those businesses allowed under a "Cottage Food Operation" with permits and licenses through the St. Louis County Health Department.
 6. Medical Marijuana Dispensary
 7. Medical or Dental Offices
 8. Restaurants
 9. Tattoo Parlors
 10. Veterinary Clinic

11. Other activities the Director of Planning and Development determines to be substantially similar in character, nature, intensity or impact to the activities listed above.
- r. The following uses are regulated under other Zoning Code sections and are not considered "home occupations":
1. Bed & Breakfast Facility
 2. Day Care Home, Adult which may be required to obtain a CUP under other sections of the Zoning Code
 3. Day Care Home, Child which may be required to obtain a CUP under other sections of the Zoning Code
 4. Kennels
 5. Short Term Rentals
- (Ord. No. 9074, § 1, 7-16-2019)

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 and Applicability.

The purposes of this Wireless Telecommunications Facilities Code are to:

- a. **Statement of Purpose.** The general purpose of this Wireless Communications Facilities Code (“Wireless Code”) is to regulate the placement, construction, and modification of telecommunications Wireless Communications Facilities to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Webster Groves. Specifically, this Wireless Code is intended to:
 - 1. Provide for the appropriate location and deployment of wireless communications infrastructure to better serve the citizens and businesses of the City of Webster Groves
 - 2. Minimize adverse visual impacts of Wireless Communications Facilities through careful design, siting, landscape screening, and innovative camouflaging techniques that provide predictability for nearby property owners and others that future uses will not materially alter such approved aesthetic protections without zoning hearing procedures and input from interested parties;
 - 3. Ensure that any new Wireless Communications Facilities are located in an area compatible with the neighborhood or surrounding community to the extent possible; and
 - 4. Ensure that regulation of Wireless Communications Facilities does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among functionally equivalent

providers of such service and promotes the provision and availability of communication services within the City.

- b. *Applicability; preemption.* Notwithstanding any ordinance to the contrary, the procedures set forth in this Wireless Code shall be applicable to all Wireless Communications Facilities existing or installed, built or modified after the effective date of this Wireless Code to the fullest extent permitted by law. No provision of this Wireless Code shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this Wireless Code is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

Section 53.223. Application Procedures; Timing.

- a. *Applications.* Applications for permitted, administrative, or conditional uses pursuant to this Wireless Code shall be subject to the supplementary procedures in this Wireless Code. Applications shall be submitted to the City as a complete application on forms provided by the City. A “complete application” shall be an application submitted on the forms provided by the City, fully executed by the applicant, identifying the specific approval sought, and containing all attachments, fees as may be established to reimburse the City for its inspection and review costs, and information as required thereon or by the City, consistent with this Wireless Code. Applications shall be accompanied by a building permit application and other applicable forms.
- b. *Proof of Owner Consent.* Applications for permitted, administrative, or conditional uses pursuant to this Wireless Code shall be required to provide proof of landlord consent, which shall minimally include:
 - 1. Written consent to pursue the application by all fee simple owners of the underlying real estate (or where located in street Right-of-Way, the Right-of-Way owner thereof), including when the proposed location is also in a utility easement; and
 - 2. Written consent to pursue the application. of the owner of the structure on which such Facility is to be placed, if different than applicant.
- c. *Timing.* Applications shall be decided upon within a reasonable time, subject further to state or federal specific additional time requirements as may apply to the particular application.

Section 53.224. General Requirements.

- a. *Applicability.* The requirements set forth in this Wireless Code shall be applicable to all Wireless Communications Facilities within the City installed, built, or modified after the effective date of this Wireless Code to the full extent permitted by law.

Such zoning review and approvals required in this Wireless Code shall be in addition to any other generally applicable permitting requirement, including applicable building, excavation, or other right-of-way permits.

1. *Principal or incidental use.* Towers may be either a principal or incidental use in all commercial and industrial zoning districts, subject to any applicable requirement relating to yard or setback. An incidental use subject to a leasehold interest of a person other than the lot owner may be approved for a Tower only if the leasehold area separately meets all requirements for a separate subdivided lot, including dedicated access, parking, setbacks, and lot size, applicable to a primary use in the district in which the use is proposed as if it was a separate subdivided lot. No other district shall allow Towers unless required by law. All other wireless facilities other than Towers, may be a principal or incidental use in all districts subject to the requirements herein. No more than one Tower may be erected on any lot in the City.
2. *Building codes, safety standards, and zoning compliance.* Wireless Communications Facilities shall be constructed and maintained in compliance with all standards contained in applicable state and local building codes. A certified engineer's structural report shall be required for all applications to construct a new or modify, or any way alter, a Support Structure, a Utility Pole, or Antenna, including Small Wireless Facility and Fast Track, unless waived upon application to the Director stating why such report is unnecessary to the specific application and a determination in the discretion of the Director approving such statement. In addition to any other approvals required by this Wireless Code, no Wireless Communication Facility or portion thereof shall be erected, replaced, or expanded prior to receipt of a Certificate of Zoning Compliance, unless otherwise required by law, and the issuance of a Building Permit. For sites within City Right-of-Way, (1) the most restrictive adjacent underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official zoning map, (2) no application shall be submitted for permit approval without attaching the City's consent to use the Right-of-Way for the specific construction application, to the extent permitted by applicable law; (3) Wireless Communications Facilities shall be installed and maintained as not to obstruct or hinder the usual travel or public safety on the Right-of-Way or obstruct the legal use of such Right-of-Way by authorities or authorized right-of-way users; and (4) such use shall be required to obtain applicable permits and comply with the City's ROW management rules and regulations set forth in Chapter 10.
3. *Regulatory compliance.* All Wireless Communications Facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any

other local, state, or federal agency with the authority to regulate Wireless Communications Facilities, and including all required licenses, permits, and taxes applicable to such structure and/or modification. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction, or modification of any Wireless Communications Facilities permitted by this Wireless Code shall be granted for any applicant having an uncured violation of this Wireless Code, any zoning regulation regarding the lot on which the structure is proposed, or any other governmental regulatory, licensing, or tax requirement applicable to such Wireless Communications Facilities within the City unless preempted by applicable law.

4. *Security.* All Wireless Communications Facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, alter, or modify Wireless Communications Facilities. Additional measures may be required as a condition of the issuance of a Building Permit as deemed necessary by the Director or by the City Council in the case of a Conditional Use Permit.
5. *Lighting.* Antenna, Small Wireless Facilities, Fast Track, and Support Structures shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build, alter, or modify the Antenna, Small Wireless Facilities, Fast Track, or Support Structure. Lighting may also be approved as a consistent component of a Disguised Support Structure. Equipment Cabinets and Shelters may have lighting only as approved by the Director or City Council on the approved site plan.
6. *Advertising.* Except for a Disguised Support Structure in the form of an otherwise lawfully permitted sign, the placement of advertising on Wireless Communications Facilities is prohibited other than identification signage or required safety signage of not greater than one (1) square foot on ground equipment.
7. *Design.*
 - A. *Color.* Subject to the requirements of the FAA or any applicable state or federal agency, Wireless Communications Facilities and attachments shall be painted a neutral color consistent with the natural or built environment of the site or an alternative painting scheme approved by the Director, or the City Council in the case of

Conditional Use Permits, consistent with the requirements of this Wireless Code. Unpainted galvanized steel Support Structures are not permitted.

- B. *Ground equipment.* When authorized, equipment Shelters or Cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located. All equipment shall be either placed underground, contained in a single Shelter or Cabinet, or wholly concealed within a building or approved walled compound.
- C. *Antenna design.* Antenna attached to a Disguised Support Structure or Tower shall be contained within the Disguised Support Structure or within or mounted flush on the surface of the Tower to which they are mounted. Antenna attached to an existing building, Utility Pole, or structure shall be of a color identical to the surface to which they are mounted. Antenna on the rooftop or attached to a building shall be screened or constructed and/or colored to match the structure to which they are attached and shall not exceed twenty feet (20') from the highest point of the building, other than for licensed amateur radio uses. All Antenna shall be designed to be disguised and maximally concealed on or within the Support Structure, or other structure. Exposed Antenna on "crow's nest" or other visible platforms or extensions are prohibited.
- D. *Height.* Support Structures and Antenna shall be no taller than necessary. Support Structures may exceed underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable alternative exists. To the extent permitted by applicable law, district height restrictions shall be considered by the City in determining the appropriateness of the design and location of the application under the applicable standards for approval. No Support Structure shall be approved at a height exceeding one hundred feet (100') AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system.
- E. *Monopole design.* All Towers shall be of a monopole design. Lattice, guyed Towers, or other non-monopole Tower designs shall not be permitted.

- F. *Compound walls/landscaping.* All Towers shall be surrounded by a minimum of a six foot (6') high decorative wall constructed of brick, stone, or comparable masonry materials and a landscape strip of not less than ten feet (10') in width and planted with deciduous trees not less than two and one-half inches (2½") in caliper, which will provide a visual barrier to a minimum height of six feet (6'), at the time of planting. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Director, or by the City Council in the case of a Conditional Use Permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved. Landscaping or other improvements may be required for Disguised Support Structures if needed to implement an approved disguise.
- G. *Setbacks.* All Support Structures, including any portions of any Wireless Communications Facilities thereon and associated structures, fences, and walls (except for parking associated with the Wireless Communications Facility) shall be separated from any public Right-of-Way, sidewalk or street, alley, parking area, playground, or other building, and from the property line of any adjacent property at least a horizontal distance equal to the height of the Support Structure, including any portions of any Wireless Communications Facilities thereon. Towers shall not be located within two hundred feet (200') of any residential structure.
- H. *Storage.* Vehicle or outdoor storage on any Wireless Communications Facilities site is prohibited, unless otherwise permitted by the zoning district.
- I. *Parking.* On-site parking for periodic maintenance and service shall be provided at all Support Structure locations consistent with the underlying zoning district and the type of Antenna or Support Structure approval granted.
- J. *Decorative poles.* In districts where there are Utility Poles which were specifically designed for their aesthetic nature and compatibility with the built environment of that district, as determined by the City, such Utility Poles shall be deemed to be decorative Utility Poles. Such decorative Utility Poles, when

authorized to be replaced by an applicant for Wireless Communications Facilities pursuant to applicable law and in compliance with this Wireless Code and Zoning Code, shall only be replaced with a substantially similar decorative Utility Pole which matches the aesthetics and decorative elements of the original decorative Utility Pole being replaced. Such replacement expenses shall be bore wholly by the applicant seeking to place Wireless Communications Facilities on such decorative Utility Pole.

- K. *Wiring.* All wiring to or from ground mounted Antennas or Support Structures located more than five feet (5') 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.
8. *Public Property.* Wireless Communications Facilities located on property owned, leased, or otherwise controlled by the City shall be subject to the requirements of this Wireless Code. A license or lease with the City authorizing the location of such Wireless Communications Facilities shall be required for each site.
9. *As-built plans.* Within sixty (60) days of completion of the initial construction and any additional construction, two (2) complete sets of plans drawn to scale and certified as accurately depicting the location of all Wireless Communications Facilities constructed shall be furnished to the City.
10. *Historic preservation; 30-day hearing period.* To the extent permitted by law, approval shall not be issued for any Wireless Communications Facility that the Director or City Council determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole. For collocation of any certified historic structure as defined in Section 253.545 RSMo., in addition to all other applicable time requirements, there shall be a thirty-day (30) time period before approval of an application during which one or more public hearings on collocation to a certified historic structure are held. The Director shall provide public notice in accordance with the provisions of Section 53.800 "**Changes and Amendment**" et. seq.. The City may require reasonable, technically feasible and technological neutral design and concealment measures as a condition of approval of a Wireless Communication Facility within a historic district.
11. *Exemptions.* A Disguised Support Structure proposed to be located within a public or private right-of-way or parking lot may be exempted from the General Requirements of this Article relating to setbacks, storage, and

parking, unless determined by the Director of Planning and Development as applicable to the specific location.

- b. *Administration.* The Director shall have the authority to establish forms and procedures consistent with this Wireless Code and applicable federal, state, and local law to ensure compliance and to facilitate prompt review and administration of applications.

(Ord. No. 9065, §1, 4-2-2019)

Section 53.225. Permitted Use.

- a. *Permitted use.* The placement of Wireless Communications Facilities fully conforming with the General Requirements in this Wireless Code are permitted in all zoning districts only as follows:
 1. *Collocations on Existing Support Structures.* The attachment of additional or replacement complying Antenna or equipment to any existing fully conforming Support Structure or as otherwise authorized by state or federal law where local zoning is preempted, provided that building permit requirements, national safety codes, and other applicable codes including recognized accepted industry standards for structural, safety, capacity, reliability, and engineering are satisfied, including specifically the requirement to submit a certified structural engineering report as provided in Section 53.223.
 2. *Antenna on high-voltage Towers.* The mounting of Antenna on or within any existing high-voltage electric transmission Tower, but not exceeding the height of such Tower by more than ten feet (10'), provided that all requirements of this Wireless Code and the underlying zoning ordinance are met, except minimum setbacks provided in this Wireless Code shall not apply.
 3. *Antenna on Existing buildings/structures.* In all districts, except not on single-family residential or two-family dwellings, the mounting of Antenna on any existing and conforming building or structure (other than a Support Structure or Utility Pole) provided that the presence of the Antenna and equipment is concealed by architectural elements or fully camouflaged or concealed by painting a color identical to the surface to which they are attached, and further provided that all requirements of this Wireless Code and the underlying zoning ordinance are met.

4. *Amateur radio facility.* Wireless Facilities or Support Structures for the operation of a licensed amateur radio facility within the City.

A. 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 feet (68') AGL; (b) any tower-mounted antenna(s) shall not extend more than sixty-two feet (62') AGL 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.

B. 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.

C. 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 feet (6') from the rear lot line. No such antenna, nor any portion of any base or support therefore, may be closer than six feet (6') to any lot line; provided, further, that on corner lots no antenna may be closer to any street than the principal building.

5. Collocation of Small Wireless Facilities on Utility Poles. In accordance with Section 67.5112 RSMo., a wireless provider may collocate Small Wireless Facilities and install, maintain, modify, operate, and replace Utility Poles, at heights below the height limitations outlined in this Section, which shall be a permitted use in all districts except single-family residential and historic districts provided the proposed installation does not:

A. materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment;

- B. materially interfere with compliance with the American Disabilities Act, or similar federal or state standards regarding pedestrian access or movement;
 - C. materially obstruct or hinder the usual travel or public safety on the rights-of-way;
 - D. materially obstruct the legal use of the rights-of-way by the City, utility, or other third-party;
 - E. fail to comply with the spacing requirements within Section 10.1009 (B)(2);
 - F. fail to comply with applicable national safety codes, including recognized engineering standards for Utility Poles or Support Structures;
 - G. fail to comply with the decorative pole replacement requirements herein;
 - H. fail to comply with undergrounding requirements within Section 10.1009 (B)(2); or
 - I. interfere or impair the operation of existing utility facilities, or City or third-party attachments.
6. New, replacement, or modification of Utility Poles under the following circumstances shall not be considered a permitted use under this Section:
- A. Proposals to construct or modify a Utility Pole which exceeds the greater of:
 - i. Fifty feet (50') AGL; or
 - ii. More than ten feet (10') above the tallest existing Utility Pole as of January 1, 2019 within five hundred feet (500') of the proposed Utility Pole in the City; and
 - B. Proposals to collocate on an existing Utility Pole in place on August 28, 2018 which exceeds the height of the existing Utility Pole by more than ten feet (10').

- b. Application procedure. Application for a Permitted Use under this Section shall require submission of an application with proof of owner consent as required by Section 53-222 and an application fee to partly cover the City’s actual costs, but not to exceed such amounts as may be limited by law, as follows:

Type of Fee:	Total Application Fees:
Collocation of SWF:	\$100/per
All other permitted uses:	\$500/per

If the applicant is not a Wireless Services Provider, then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit’s issuance date. For any application for a Small Wireless Facility, the applicant shall provide an attestation that the proposed Small Wireless Facility complies with the volumetric limitations as required to meet the definition of a Small Wireless Facility in accordance with this Wireless Code and pursuant to applicable law. Applicant shall also submit a certified structural analysis as required in the General Requirements of this Wireless Code. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application. The Director shall issue a decision on the application for a permitted use within the time-frame permitted by applicable law. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

Section 53.226. Administrative Approval.

- a. Administrative approval. The placement of Wireless Communications Facilities fully conforming with the General Requirements in this Wireless Code are permitted in all zoning districts by Administrative Permit approved by the Director only as follows:

1. *Disguised Support Structures*

A. *General Requirements.* For purposes of qualifying as a disguised structure, the structure must meet the following criteria:

- i. It is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located;
- ii. It does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate;

- iii. It cannot be identified as a Support Structure by persons with reasonable sensibilities and knowledge;
 - iv. Its equipment, accessory buildings, or other aspects or attachments relating to the Disguised Support Structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated; and
 - v. It is of a height, design, and type that would ordinarily occur at the location and neighborhood selected.
- B. *Special requirements.* The construction of a Disguised Support Structure meeting the above criteria, is permitted by Administrative Permit provided that all related equipment shall be placed underground or concealed within the structure. Equipment may be placed in an appropriately concealed cabinet if the Disguised Support Structure is incidental to an industrial, commercial, or other non-residential use and fits with the natural built environment or the Disguised Support Structure. Any Disguised Support Structure shall have as a condition of approval, unless expressly exempted in the approval, an obligation and corresponding covenant recorded on the property that runs with the land to the benefit of the City on behalf of the public, prohibiting modifications to the Disguised Support Structure that eliminate or are materially detrimental to the disguise, unless such proposed modification is approved by a duly authorized zoning or conditional use approval. If the applicant does not wish to have such a covenant, the application shall not qualify for Administrative Permit approval, unless another mechanism is proposed and approved to ensure that the disguise is not subsequently eliminated or materially detrimentally altered.

2. “Fast-Track” Small Wireless Facilities. An application for a “Fast-Track” Small Wireless Facility may be approved administratively by the Director, subject to meeting the following requirements:

A. General requirements. The following requirements shall generally apply to all “Fast-Track” Small Wireless Facilities located within the City:

i. The Antenna and associated equipment shall meet the following requirements:

- 1) No more than seven cubic feet (7ft³) in volume (comprised of no more than twenty-seven square feet (27ft²) of exterior surface area, excluding the surface width equal to the width of the Existing Structure or Utility Pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or cable conduit of four inches (4”) or less). Volume shall be the measure of the exterior displacement of the Antenna and associated equipment;

- 2) Located with the consent of the owner on an Existing Structure or Utility Pole, or concealed within or on a replacement Utility Pole if the appearance is not materially altered and the replacement Existing Structure or Utility Pole is no more than five feet (5') taller;
 - 3) Not exceeding six feet (6') above the top of an Existing Structure or Utility Pole for a total height not exceeding forty-five feet (45') (nor taller than more than six feet (6') above the average of similar poles within three hundred feet (300')).
- ii. The "Fast-Track" shall substantially match any current aesthetic or ornamental elements of the Existing Structure or Utility Pole, or otherwise be designed to maximally blend in to the built environment, with attention to the current uses within the district at the proposed site;
 - iii. Any portion above the Existing Structure or Utility Pole shall be concealed and of the same dimensions and appearance so as to appear to be a natural extension of the Existing Structure or Utility Pole in lieu of an enclosure or concealment;
 - iv. The "Fast-Track" equipment shall not emit noise audible from the building line of any residentially zoned or used property; and
 - v. Location, placement, and orientation of the "Fast-Track" shall, to the extent feasible, minimize the obstruction to, or visibility from, the closest adjacent properties unless otherwise required by the City for safety reasons.
- B. Additional requirements when sited near pedestrian and vehicle ways. When a "Fast-Track" is proposed to be located on an Existing Structure or Utility Pole on or adjacent to public or private streets, sidewalks, or other pedestrian or vehicle ways:*
- i. *Only one "Fast-Track" shall be permitted per structure or Utility Pole in the Rights-of-Way;*
 - ii. The height of all portions of the "Fast-Track" shall be located at least eight feet (8') above ground level;
 - iii. No ground equipment shall be permitted; and
 - iv. No portions of the "Fast-Track" shall extend horizontally from the surface of the Utility Pole or Existing Structure more than sixteen inches (16").
- C. Waiver for good cause shown.* Additionally, the Director may for good cause shown increase any one or more of the maximum volumetric

specifications from the definition of a “Fast-Track” by up to fifty percent (50%) if the applicant demonstrates that it:

- i. Does not in any location nationally use equipment capable of meeting the specifications and the purpose of the equipment and
- ii. Cannot feasibly meet the requirements as defined and described.

The City Council may further waive one or more of the requirements found in the definition of “Fast-Track”, or from a. General Requirements or b. Additional Requirements When Sited Near Pedestrian or Vehicle Ways of this Section upon good cause shown by the applicant, and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this Wireless Code. The burden of proof for any waiver shall be wholly on the applicant and must be shown by clear and convincing evidence.

b. *Application procedures.* Applications for Administrative Permits shall be made on the appropriate forms to the Director consistent with the requirements of this Wireless Code. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application.

1. General application requirements. Applicant shall submit along with its completed application form:

A. An application fee as required to partly cover the City’s actual costs, but not to exceed such amounts as may be limited by law; any amount not used by the City shall be refunded to the applicant upon request after a final decision. The application fee shall be as follows;

Type of Fee:	Total Application Fees:
Fast-Track	\$100/ per
Disguised Structure	\$500/per

B. A Detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating the exact location of the facility, all dimensions and orientations of the facility and associated equipment, in addition to all existing and proposed improvements including buildings, drives, walkway, parking areas, and other structures, public right-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the Utility Pole, or Existing Structure, if applicable;

- C. Specifications, dimensions, photos, or drawings of the completed installation;
 - D. Proof of owner consent as required by Section 53-222.
 - E. Certified structural analysis as required in the General Requirements of this Wireless Code;
 - F. If the applicant is not a Wireless Services Provider, then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the City that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permit's issuance date; and
 - G. All other information necessary to show compliance with the applicable requirements of this Wireless Code.
2. *"Fast-Track"-specific application requirements.* In addition to the above General application requirements, applications for a "Fast-Track" shall include the following:
- A. An attestation that the proposed "Fast-track" meets the volumetric and other requirements to meet the definition of "Fast-track" provided in this Wireless Code; and
 - B. Information demonstrating that the applicant's proposed plans are in compliance with § 67.5113.3(9) RSMo. to the satisfaction of the City.
3. *Review.* The application shall be reviewed by the Director to determine compliance with the above standards, including specifically design, location, safety, and appearance requirements and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
4. *Additional information may be required.* In reviewing an application, the Director may require the applicant to provide additional information, including technical studies, to the extent permitted by applicable law. An application shall not be deemed complete until satisfaction of all application requirements and submission of all requested information as provided herein.
5. *Decisions; denials required in writing.* The Director shall issue a decision on the permit within the time-frame permitted by applicable law. The Director may deny the application or approve the application as submitted or with such modifications or conditions as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens and property values consistent with and to affect the purposes of this Wireless Code. The Director may consider the purposes of this Wireless Code and the factors established herein for granting a Conditional Use Permit as well as any other considerations consistent with the Wireless Code. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

Section 53.227. Conditional Use Permit Required.

All proposals to construct or modify a Wireless Communications Facilities not permitted by Section 53-224 or Section 53-225 or not fully complying with the General Requirements of this Wireless Code shall be permitted only upon the approval of a Conditional Use Permit authorized consistent with Section 53.170 et. seq. following a duly advertised public hearing by the Planning and Zoning Commission and City Council, subject to the following additional requirements, procedures, and limitations:

- a. *Applications.* Applications for Conditional Use Permits shall be filed on such forms required by the Director and processed subject to the requirements of and in the manner established by applicable law, herein, and for Conditional Use Permits in the Zoning Code and, in addition to such other requirements, shall be accompanied by a deposit of one thousand five hundred dollars (\$1,500.00), to the extent permitted by applicable law to the specific Wireless Communications Facility. Any amount not used by the City shall be refunded to the applicant upon written request after a final decision. Except as otherwise provided by law, no application for a Conditional Use Permit under this Section shall be deemed complete until the applicant has paid all fees and deposits required under this Wireless Code, submitted certified engineering plans, and provided proof of owner consent as required by Section 53-222. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application.
- b. *Decision and findings required.* A decision shall be contemporaneously accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others.
- c. *Additional minimum requirements.* No Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communications Facilities pursuant to Section 53-224 or Section 53-225 of this Wireless Code is not technologically or economically feasible. The City may consider current or emerging industry standards and practices, among other information, in determining feasibility.
- d. *Findings required.* In addition to the determinations or limitations specified herein and by the applicable provisions of Section 53-170 et. seq. of this Zoning Code for the consideration of Conditional Use Permits, no Conditional Use Permit shall be approved by the City Council unless findings in the affirmative are made that the following conditions exist:
 1. That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Wireless Code;
 2. That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;

3. That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located;
4. and That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

Section 53.228. Unlawful Facilities and Removal of Structures.

- a. *Commercial Operation of Unlawful Wireless Communications Facilities.* Notwithstanding any right that may exist for a governmental entity to operate or construct Wireless Communications Facilities, it shall be unlawful for any person to erect or operate for any private commercial purpose any Wireless Communications Facilities in violation of any provision of this Wireless Code, regardless of whether such Wireless Communications Facilities are located on land owned by a governmental entity.
- b. *Removal of Support Structure.* Any Wireless Communications Facility or portion thereof that is no longer in use for its original communications purpose shall be removed at the owner's expense. In the case of multiple operators sharing use of a single Support Structure, 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.

Section 53.229. Penalty and Appeals.

- a. *Penalty.* Except as may otherwise be provided by law, any person violating any provision in this Wireless Code shall be subject to Section 1.060.
- b. *Appeals.* The procedures of Article VIII of Chapter 53, shall govern appeals by any aggrieved person of a final action of any City Officer, employee, board, commission, or the City Council that are claimed by an aggrieved person to be unlawful or an unconstitutional taking of property without compensation. To the fullest extent permitted by law, the review procedures of Article VIII of Chapter 53 shall be exhausted before any action may be filed in any court against the City or its officers, employees, boards, officials or commissions. Nothing herein shall be deemed to unlawfully limit any remedy that is required to be available as a matter of law.

(Ord. No. 8853, § 1, 8-19-2014; Ord. No. 9054, § 1, 1-22-2019)

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.
- b. Within the “B1” Planned Multiple Family Residence district, a building or premises may be used only for uses found in Section 53.159 of Article IV 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)

(Ord. No. 9037, §1, 10-2-2018, Ord. No. 9038, §1, 10-16-2018)

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” Procedures.

Approval of a “B1” Planned District shall proceed in accordance with the provisions of Section 53.800 “**Changes and Amendments**” et. seq. (Ord. No. 9037, §1,10-2-2018)

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. (Ord. No. 9037, §1,10-2-2018)
- b. Within the “B2” Multiple Family and Commercial District, a building or premises may be used for uses found in Section 53.159 of Article IV and facilities ordinarily incidental to apartment uses. 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) (Ord. No. 9038, §1, 10-16-2018)

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. **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 it does not disturb the peace, quiet and comfort of neighboring residential property or at any time with a volume louder than is necessary for convenient hearing for the persons who are in the structure or on the property in or on which the noise is generated under the following additional conditions:
 1. The maximum volume of sound or noise generated does not exceed sixty (60) dB(A) at any point on the lot line of the lot on which the use is located on Mondays through Fridays between the hours of 7:00 AM to 8:00 PM local time; on Saturdays between the hours of 7:00 AM to 7:00 PM local time; and on Sundays between the hours of 9:00 AM to 7:00 PM local time.
 2. The maximum volume of sounds or noise generated does not exceed fifty-five (55) dB(A) at any point on the lot line of the lot on which the use is located for all other hours not listed in b.1. above.
 3. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.
 4. Operating, playing or permitting the operation or playing of any radio, television, drum, musical instrument, sound amplifier or similar device which reproduces or amplifies sound is also considered “sound or noise” as listed in b.1. and b.2. above.
- c. **Odor.** Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- d. **Smoke.** Every use shall be so operated that no smoke from any source shall be emitted or exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- e. **Toxic Gases.** Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases exceeds the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- 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 the emission levels of the requirements of the Air Pollution Code, Chapter 612 of the St. Louis County Revised Code.
- g. **Radiation.** Every amount of radioactive emissions must be restricted to that considered safe by the Federal Guidance for Radiation Protection through the EPA.

- h. **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.
- i. All roads, parking areas and walks shall be paved with hard surfaced material meeting application specifications of the city.
- j. No expansion or conversion of an existing structure shall be considered as complying herewith.
- k. 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.
- l. 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.
- m. 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.

(Ord. No. 9053, §1, 1-22-2019)

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.

Approval of a “B2” Planned District shall proceed in accordance with the provisions of Section 53.800 “**Changes and Amendments**” et. seq. (Ord. No. 9037, §1,10-2-2018)

Section 53.248. “B2” Procedures.

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, a n 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 Purpose: 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 found in Section 53.159 of Article IV with the following additional re:

Permitted Uses.

1. 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.
2. 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.
3. 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.
4. 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. Student Housing, the primary use of which is as an Educational Facility, Special Needs
- 2. 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
- 3. Storage Facilities exceeding 1,000 Sq. Ft.
- 4. Public utility facilities
- 5. 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 found in Section 53.159 of Article IV with the following additional regulations:

Permitted Uses.

1. 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. Student Housing limited to a maximum of 1,400 beds on the campus including the following:
 - A. Dormitories
 - B. Fraternity/Sorority House
 - C. Apartments

2. Storage Facilities exceeding 1,000 Sq. Ft.
3. Public utility facilities
4. 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.

(Ord. No. 9038, §1, 10-16-2018)

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.

- 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 53.173.

The Plan Commission's recommendation shall also 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.
- c. Approval of a Planned Environment Unit (PEU) shall proceed in accordance with the provisions of Section 53.800 "**Changes and Amendments**" et. seq.

(Ord. No. 9037, §1,10-2-2018)

Section 53.277. Submission of Plans and Commencement of Construction.

Approval of a Planned Environment Unit (PEU) Final Development Plan shall proceed in accordance with the provisions of Section 53.800 "Changes and Amendments" et. seq. (Ord. No. 9037, §1,10-2-2018)

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 found in Section 53.159 of this Article; 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. (Ord. No. 9038, §1, 10-16-2018)

Section 53.283. “PC” Procedures.

Approval of a “PC” Planned District shall proceed in accordance with the provisions of Section 53.800 “Changes and Amendments” eq. seq. (Ord. No. 9037, §1, 10-2-2018)

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.

This section contains provisions related to the processing of development applications, zoning map procedures, special procedures and other land development related procedures. (Ord. No. 9037, §1,10-2-2018)

Section 53.801. Public Hearing.

This section applies to petitions to amend, supplement or change the regulations, zoning district boundaries or classification of property now or hereafter established or any other permit or request that requires a Public Hearing.

- a. **Petition Completeness.** The Department of Planning and Development shall, within 15 calendar days of receipt of any petition for change of zoning or special procedure permit accompanied by the appropriate filing fees, notify in writing all parties of interest as named in the petition, including the project engineer, architect, and developer, as applicable, either that the petition is certified as meeting all pertinent submittal requirements and will be scheduled for hearing by a specified date or specifically in what manner the petition does not comply with minimum petition submission requirements. If the Department does not respond in writing within 15 days, the petition may be deemed accepted and shall be scheduled for Public Hearing within the period established by the applicable provisions of this Article. If the petition has been determined not to comply with minimum petition requirements, the parties so notified shall be required to submit additional information or otherwise correct any noted deficiencies within 15 days from receipt of the Department's letter. If the deficiencies are not corrected within the 15 day period, the Department shall return the petition to the petitioner.
- b. **Hearing Date.** 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.
- c. **Notice Provided.** Upon scheduling of a Public Hearing, the Department shall:
 1. Provide notice per R.S.Mo. Chapters 89 and 493, and;
 2. Post Public Hearing sign(s) on the site for which the Public Hearing is being held, and;
 3. Shall give notice of the time and place by causing a notice thereof to be published in a newspaper printed or published in the City of Webster Groves. If no newspaper is 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 calendar (15) days prior to the day of such hearing.
 4. 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 laying 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.

(Ord. No. 9037, §1,10-2-2018)

Section 53.802. Procedure for Amending Zoning District Boundaries.

- a. **General Provisions.** This section contains procedures for amending the zoning district boundaries. Included are regulations for the filing of petitions, required Public Hearing notices and powers of the Plan Commission and City Council in reviewing requested changes.
 1. **City Council Action.** Whenever the public necessity, convenience, general welfare, and good zoning practice require, the City Council may, after a Public Hearing and report thereon by the Plan Commission and subject to the procedure provided in this Section, amend, supplement, or change the regulations and/or zoning district boundaries now or hereafter established by this Article.
 2. **Simultaneous Public Hearings Allowed.** The Plan Commission may hold a Public Hearing on a petition for a change of zoning to any Zoning District, and a petition for a Planned District or a Special Procedure at the same Public Hearing and on the same parcel of land, and make recommendations thereon.
 3. **Initiating an Amendment, Supplement, Reclassification or Change.** An amendment, supplement, reclassification or change may be initiated by the Plan Commissioner or the City Council, or by a verified application of one (1) or more of the owners or authorized representatives of the owners of property within the area proposed to be changed.
 4. **Denial and Reconsideration.** If an application for the amendment, supplement, or change of any property is denied in whole or part by the City Council, the matter may be reconsidered if any member of the City Council introduces a motion for reconsideration at either of the next two (2) regularly scheduled meetings after the denial, and said motion is passed by a majority of the entire City Council. If the matter is not reconsidered within said period, no subsequent application requesting the same property of part of thereof shall be filed with the Department within 12 months from the date of the receipt and filing by the City Council of the Plan Commission's report on the application. 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.
- b. **Petition for Zoning Map Amendment**

1. **Form of Petition.** Petitions for any change of zoning district boundaries or any reclassification of districts, as shown on the zoning district maps, shall be addressed to the City Council and filed with the Director of Planning and Development upon forms prescribed for that purpose by the Plan Commission and accompanied by such data and information so as to assure the fullest practicable presentation of facts.
 2. **Fees.** Petitions for change of zoning to a "Planned District" shall be accompanied by a fee of Five Hundred Dollars (\$500.00), and all other petitions for change of zoning 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.
 3. **Petition Verification Required.** Each such petition, other than those initiated by the Plan Commission or the City Council, shall be verified by a least one (1) of the owners or authorized representatives of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented therein.
- c. **Public Hearing.** Requirement for Public Hearings and Public Notice and listed in Section 53.801 of this Article.
 - d. **Plan Commission Review and Recommendation.** Staff from the Department of Planning and Development shall submit a written or oral report to the Plan Commission prior to the forwarding of a decision or recommendation by the Plan Commission to the City Council. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Director of Planning and Development or the Plan Commission as applicable. The recommendation shall address the proposed development and its relation to all applicable Sections of this City Code, the City of Webster Groves Comprehensive Plan, and compatibility with adjoining permitted developments and uses.
 - e. **City Council Action.** Upon receipt of the Plan Commission recommendation, the City Council shall approve, approve as amended or deny the request by approving an ordinance or approval authorizing the development or deny the application. The City Council may enact by ordinance such a partial granting of a petition for a change in zoning district classification.
 - f. **Approval of Different Classification.** The Plan Commission may recommend and the City Council may enact by ordinance a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner. This shall apply to all commercial, industrial and residential zoning districts.
 - g. **City Action on Request for Withdrawal.** Request for Withdrawal of a legally filed application shall be submitted in writing to the Director of Planning and Development. Any request for withdrawal of a legally filed application for amendment may be denied, approved with prejudice, or approved without prejudice by the Plan Commission.

- h. **Time Limitation on Petitions.** Petitions for zoning map amendments and ordinance amendments must be scheduled for subsequent meeting before the Plan Commission or City Council within six (6) months of the time of their Public Hearing. If a petition is not scheduled for subsequent meetings within six (6) months, then the petition shall be deemed automatically inactive by the Department unless delay is approved by the Plan Commission.
- i. **Appeal or Protest of a Planned District or Special Procedure.** The petitioner may file an appeal to the determination of the City Council or Plan Commission filed per the requirements in Section 53.806 of this Article.

(Ord. No. 9037, §1, 10-2-2018)

Section 53.803. Procedure for Establishing Planning Districts and Special Procedures.

- a. **Applicability.** The requirements of this Section shall apply to all proposed developments attempting to establish a planned district or utilize a special procedure. Further this section shall also apply to any proposed amendment to an existing Planned District or Special Procedure.

Planned Districts are as follows:

“B1” Planned, Multiple Family Residence District
“B2” Multiple Family and Commercial District
Educational Campus Districts (“EC”)
Planned Environment Unit Procedure (PEU)
“PC” Planned Commercial District

Special Procedures are as follows:

“CUP” Conditional Use Permit

- b. **General Provisions.** General provisions for the Planned Districts or Special Procedures shall be the same as those listed in Section 53.802 (a) of this Article.
- c. **Petition for Planned District or Special Procedure.**
 - 1. **Form of Petition.** The owner, or its authorized representative, shall file an application for review 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:
- (i) Proposed uses. Approximate location and designated uses of the building and other structures as well as parking and open areas shall be indicated
 - (ii) Areas to be developed for parking, drives, and walkways.
 - (iii) Existing and proposed contours at verticals intervals of not more than five (5) feet. Flood Plain areas shall be delineated.
 - (iv) Approximate location of all isolated trees having a trunk diameter of seven (7) inches or more, all tree masses and all proposed landscaping.
 - (v) Proposed ingress and egress to the site, including adjacent streets.
 - (vi) Location and type of existing and proposed utilities.
 - (vii) Preliminary plan for provision of sanitation and drainage facilities and stormwater measures.
 - (viii) General grading and landscaping plan, as applicable.
- F. The following data and information shall also be submitted with the Development Plan, including but not limited to the following:
- (i) Sketch of floor plans and elevations of typical buildings to indicate the architectural character of the buildings including statements regarding types of construction.
 - (ii) Estimates of volumes of traffic movements to and from the completed project from the boundary streets.
 - (iii) A preliminary schedule for completion of the entire project.
 - (iv) A statement regarding the proposed method of operating and maintaining the project.

2. **Fees.** Petitions for change of zoning to a "Planned District" shall be accompanied by a fee of Five Hundred Dollars (\$500.00), and all other petitions for special procedures 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.

3. **Petition Verification Required.** Each such petition, other than those initiated by the Plan Commission or the City Council, shall be verified by at

least one (1) of the owners or authorized representatives of the owners of the property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented therein.

- d. **Public Hearing.** A Public Hearing on the petition shall be held by the Plan Commission in accordance with Section 53.801 of this Article.
- e. **Plan Commission Review and Recommendation.** Staff from the Department of Planning and Development shall submit a written or oral report to the Plan Commission prior to the forwarding of a decision or recommendation by the Plan Commission to the City Council. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Director of Planning and Development or the Plan Commission as applicable. The recommendation shall address the proposed development and its relation to all applicable Sections of this City Code, the City of Webster Groves Comprehensive Plan, and compatibility with adjoining permitted developments and uses. A recommendation of approval or approval as amended shall include recommended conditions to be included in the ordinance or permit authorizing the establishment of the Planned District or Special Procedure. Such 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
- f. **City Council Action.** Upon receipt of the Plan Commission recommendation, the City Council shall approve, approve as amended or deny the request for a Planned District or Special Procedure by approving an ordinance or approval authorizing the development or deny the application. If the application is approved, the matter shall be returned to the Plan Commission for the consideration of a final development plan.
- g. **Final Development Plan.** A final development plan shall be filed per the requirements in Section 53.805 of this Article.
- h. **City Action on Request for Withdrawal.** Request for Withdrawal of a legally filed application shall be submitted in writing to the Director of Planning and Development. Any request for withdrawal of a legally filed application for

amendment may be denied, approved with prejudice, or approved without prejudice by the Plan Commission.

- i. **Time Limitation on Petitions.** Petitions for Planned Districts and Special Procedures must be scheduled for subsequent meeting before the Plan Commission or City Council within six (6) months of the time of their Public Hearing. If a petition is not scheduled for subsequent meetings within six (6) months, then the petition shall be deemed automatically inactive by the Department unless delay is approved by the Plan Commission.
- j. **Appeal or Protest of a Planned District or Special Procedure.** The petitioner may file an appeal to the determination of the City Council or Plan Commission file per the requirements in Section 53.806 of this Article.

(Ord. No. 9037, §1, 10/2/2018)

Section 53.804 Procedure for Amendment of Conditions of a Planned District or Special Procedure

- a. In order to amend the provisions of any planned district ordinance or special procedure approval; including the permitted uses, the procedure shall be as follows: 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 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.
- b. 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.
- c. 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 recommendations.

- d. **Transfer of a Conditional Use Permit.** Any changes in the ownership, operating entity or lease named as the permittee of the approved conditional use permit will require a transfer of conditional use permit. Request 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 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.

(Ord. No. 9037, §1, 10-2-2018)

Section 53.805 Development Plan

a. Submittal of Plans

1. A preliminary development plan shall be filed with the Plan Commission for its approval simultaneous with the submission of a Change of Zoning for a Planned District.
 2. 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 preliminary development plan required under its 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.
- b. **Planned Districts.** If the final development plan for a Planned District 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.
 - c. **Failure to Commence Construction.** 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.

(Ord. No. 9037, §1, 10-2-2018)

Section 53.806. Appeals and Protest.

- a. Appeal and Protest Procedure for Change of Zoning and Special Procedures. 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 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 or two thirds (2/3) of all members of the City Council.

(Ord. No. 9037, §1, 10-2-2018)

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
I 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)

ⁱ The legislative findings and more thorough statement of purpose set forth in the adopting Ordinance # 8851 are incorporated herein by this reference as though fully set forth herein.

ⁱⁱ "Webster Groves" by Clarissa Start, (1975) at page 1.

ⁱⁱⁱ Id. at page 76.

^{iv} Id. at pages 74-82