

ZONING ORDINANCE

**CITY OF ST. PAUL, MISSOURI
STATE OF MISSOURI**

2008

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CITY OF ST. PAUL, MISSOURI STATE OF MISSOURI

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ZONING ORDINANCE

CITY OF ST. PAUL, MISSOURI

STATE OF MISSOURI

ARTICLE 1

TITLE, PURPOSE, AND LEGAL CLAUSES

- 1.01** **TITLE:** This Ordinance shall be known and may be cited hereinafter as the "Zoning Ordinance of the City of St. Paul".
- 1.02** **REPEAL OF PREVIOUS ORDINANCE:** The City of St. Paul Zoning Ordinance (Number 41 adopted on December 11, 1989, Number 89 adopted January 10, 2000, Number 149 adopted December 11, 2004) and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.
- 1.03** **PURPOSE:** The purpose of this ordinance is to regulate and control the zoning of land and consequent use of said land within the **City of St. Paul** in order to promote public safety, health, and general welfare of the citizens. These regulations are specifically designed to:
- A. Protect the character and stability of residential, recreation, commercial, industrial, and open space areas within the **City of St. Paul** and promote their orderly and beneficial development;
 - B. Provide privacy and convenience of access to property;
 - C. Regulate the intensity of land use and establish open areas surrounding buildings and structures necessary to provide adequate light and ventilation and to protect public safety and health;
 - D. Regulate and limit the height of buildings and structures;
 - E. Lessen and avoid congestion on public streets by providing off-street parking and loading;

- F. Regulate and limit the density of population based on the City's ability to provide for water, sewerage, schools, parks, and other essential public services;
- G. Divide the City into zoning districts and establish, by reference to a map, the boundaries of said districts;
- H. Fix reasonable standards to which land, buildings, structures, and their uses must conform;
- I. Prohibit uses, buildings, or structures which are incompatible with the character of development or uses, buildings, or structures permitted within specified zoning districts;
- J. Prevent illegal additions and/or alterations of existing buildings or structures;
- K. Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of public health, safety, and general welfare;
- L. Prevent overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- M. Preserve and enhance the taxable value of land, buildings, and structures throughout the City;
- N. Provide for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses;
- O. Designate and define the powers and duties of the official(s) administering and enforcing this Ordinance; and
- P. Provide penalties for the violation of this Ordinance.

1.04 COMMUNITY CHARACTER: The City of St. Paul, Missouri has an established residential character, and it is the goal of the City of St. Paul, Missouri to retain this character. To this end, the zoning provisions function as instruments which guide development so as to retain the existing character of the community.

Strategies outlines in the plan to ensure that the character of the community does not change include:

- 1. Adoption of lower intensity zoning intensity zoning classifications and the recommendation that all rezoning applications include an analysis

of the impact the zoning would have on the existing community character.

2. Implementation of natural resource protection regulations which limit development in environmentally sensitive areas and thus, preserve existing open space
3. Adoption of green-space and floor area standards designed to maintain a private, rural character.
4. The establishment of a policy allowing the ultimate intensity of commercial development to be dictated in part by the balance between building bulk and green-space.
5. The adoption of the master plan which restricts non-residential land use to specified areas of the City of St. Paul, Missouri.

1.05 VALIDITY AND SEVERABILITY CLAUSE: If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

1.06 COMPLIANCE WITH THE REGULATIONS: The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
- B. No land required for yards, open spaces or off street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard of lot area for more than one building.
- C. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot except as otherwise provided in the ordinance.
- D. No building shall hereafter be erected or structurally altered to the extent specifically provided hereinafter except as otherwise provided in the ordinance.

- E. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of the regulations of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of the regulations of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.
- F. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

1.07 EXEMPTIONS: The City of St. Paul, Missouri shall be exempt from the zoning and subdivision regulations contained in this Ordinance with respect to any property owned and operated by the City of St. Paul, Missouri.

ARTICLE 2

RULES AND DEFINITIONS

2.01 RULES OF CONSTRUCTION: For the purpose of this Ordinance, certain rules of construction apply to the text, as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The terms “shall” and “must” are always mandatory and not discretionary; the word “may” or “should” are permissive.
- C. Words or terms not interpreted or defined by this ARTICLE shall be used with a meaning of common or standard utilization.
- D. The word “person” includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
- E. The words “use” or “occupy” shall include the words “intended”, “designed”, or “arranged” to be “used” or “occupied”.

2.02 DEFINITIONS: The following definitions shall apply in interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

Abut (Abuts, Abutting or Abutted): Describes property in relation to another piece of property as touching. In the case of roads, highways of all types, man made waterways, and natural waterways, will be addressed as nonexistent.

Accessory Building or Structure: A subordinate building or structure having a use customarily incident to and located on the lot occupied by the main building. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Accessory Use: A use incidental and subordinate to the principal use of the premises.

Agricultural: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the

normal agricultural activities. The operation of sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

Alley: A minor public or private right-of-way shown on a plat, providing secondary vehicular access to the rear or side of a lot, block, or parcel of land otherwise abutting a street.

Alteration: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

Apartment: A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Apartment House: A multi-family apartment building of four or more stories in height served by one or more elevators. Typical apartment houses are designed with an internal single or double loaded corridor which opens to a number of apartment flats. Apartment houses, because of their height, are usually constructed with steel frame or reinforced concrete. Typical apartment houses of four stories in height have a project density of twenty to twenty-four apartment units per gross acre.

Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Area Project:

1. Gross project area: Total project area.
2. Net project area: Total project area less land allocated to public street right-of-way, private streets, parking areas and any land allocated to specified non-project uses such as schools and churches when determining the "net residential project area" to be used as a basis for calculating the number of permitted dwelling units for a Planned Unit Development.

As-Built Plans: Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

Bank: An office building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up units on the same premises.

Basement: A story below the first story as defined under "Story", counted as a story for height regulations, in multi-family districts if subdivided and used for dwelling purposes.

Block: An area of land within a subdivision that is entirely bounded by streets, highways, or right-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier, or combination thereof, to the continuity of development.

Boarding House or Lodging House: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for four or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Buffer Strip: See “Greenbelt”

Building Coverage: The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

Building: Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment.

Building Height: The vertical distance from the average ground level abutting a building or structure to the highest point of the roof of a building or highest point of any permanent part of a structure other than a building.

Building Line or Setback Line: A line parallel to a street right-of-way line, edge of a stream or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, streambank, or other property line.

Bulk: The term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following: size and height of a building or structure; location or exterior walls of a building in relation to lot lines, streets, or other buildings; the floor area of a building in relation to the area of the lot on which it is located; the open space allocated to a surrounding building; and the amount of lot area per dwelling unit.

Church: A building used principally for religious worship but the word church shall not include or mean an undertaker’s chapel, or funeral building, a religious educational institution or parochial school or day care center.

Cemetery: A place for burial of the dead, including crematory facilities as an accessory use.

City: The City of St. Paul, Missouri.

City Board of Aldermen: The officially elected Board of Aldermen of the *City of St. Paul*; the term may be abbreviated in this Ordinance as the “Board of Aldermen”.

City Engineer: The officially appointed Engineer of the *City of St. Paul*.

City Planning and Zoning Commission: The officially appointed Planning and Zoning Commission of the *City of St. Paul*; the term may be abbreviated in this Ordinance as the "Commission".

Club, Private: A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

Commission: The Planning and Zoning Commission for the *City of St. Paul*, Missouri.

Comprehensive Development: A residential cluster subdivision, a commercial or industrial park, or a Planned Unit Development as defined in the ARTICLE 12.

Comprehensive Plan: A comprehensive land use plan made and adopted by the City Planning and Zoning Commission and Board of Aldermen for the ***City of St. Paul*** which through any combination of text, charts, and maps sets forth proposals for general locations for various land uses, streets, parks, schools, public buildings, utilities, and for the physical development of *St. Paul*.

Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such zoning district conditional uses are made in this zoning ordinance.

Condominium: Form of real estate ownership.

Construction Plans: The engineering drawings showing types of materials and construction details for physical structures and facilities, excluding dwelling units to be installed in conjunction with development of a subdivision.

Cul-de-sac: A local street with only one outlet and having an appropriate turn around at the end for the safe and convenient reversal of traffic movement.

Curb Level: The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Day Care Center: A place which provides shelter and personal care on a regular basis for six or more children who are not related within the third degree computed according to civil law to the operator, for four or more hours of any part of a twenty-four hour day, whether

such place be organized or operated for profit or not. The term “day care center” includes any child care facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.

Dedication: Intentional transfer by the developer or owner to the public of ownership of or an interest in land for a public purpose. Dedication may be effected by formal deed of conveyance, or by any other method recognized by the laws of the State of Missouri.

Density: The number of dwelling units per acre of gross land area.

Developer: Any person, persons, corporation, or government agency undertaking any development as defined in the Ordinance. The term Developer includes such commonly used references as sub-divider, owner, and proprietor.

Development: Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to provisions of this Ordinance, or the act of building structures and/or installing site improvements.

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

Domestic Animals: Animals kept exclusively for the personal enjoyment of the occupants of a principal building and including those animals normally kept as pets such as dogs, cats, birds, guinea pigs, etc.

Dormitory: A building with many rooms providing sleeping and living accommodations for a number of usually unrelated persons; usually associated with an educational institution.

Drive-In Establishments: Any business so developed that its retail or service character is primarily dependent upon serving patrons who remain in their motor vehicles in a driveway or parking spaces.

Dwelling: A building or portion thereof, designed exclusively for residential occupancy, including one family, two family and multiple-family dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels.

Dwelling Area: The “Dwelling Area” of a unit is composed of those rooms designed for and exclusively used for residential purposes, including bedrooms, kitchen, dining room, den/library, bathrooms, family and living rooms, and hallways connecting these rooms.

Dwelling, Multiple-Family: A building or portion thereof, arranged, intended or designed for occupancy by three or more families on a rental or ownership basis and commonly referred to as a triplex, four-plex, or apartment building.

Dwelling, Single-Family: A detached building arranged, intended, or designed for occupancy by one family.

Dwelling, Two-Family: A building designed for or occupied exclusively by two families living independently of each other, and being located on a single lot.

Easement: A right or privilege to use a portion of another's property for a particular purpose.

Engineer: A professional engineer registered in the State of Missouri.

Exotic Animal: Animals kept or raised for use, pleasure or profit that are wild or unusual, typically zoo-type animals. "Exotic Animals" shall include, but not be limited to: bears, lions, tigers, reptiles, whales, dolphins, sea lions(seals), monkeys, elephants, panthers, giraffes, and antelope. These animals can only be kept in zoning districts that allow for zoos.

Family: One (1) or more persons who are related by blood, marriage, or adoption, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than five (5) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis; or as further defined by State Statute.

Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or similar body of water which will be inundated by a flood which has a 1% frequency of occurring in any given year for that region, as defined by the U.S. Corps of Engineers and required by the National Flood Insurance Act.

Floor Area: For commercial business and industrial building or buildings, containing mixed uses: the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls, but not including:

1. Attic space providing headroom of less than seven (7) feet;
2. Basement space not used for retailing;
3. Accessory water and cooling towers.

For residential buildings: the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Garage, Community: A building or portion thereof, other than a public or repair garage, providing storage for motor vehicles but no other services, such garage to be in lieu of private garages within a block or portion of block.

Garage, Private: An accessory building or portion of a main building used for storage of automobiles.

Garage, Public: A building or portion thereof, other than a private or repair garage, providing temporary storage for motor vehicles for a fee but no other services.

Garage, Repair: A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles and which is operated for commercial purposes.

Garage, Storage: A building or portion thereof, except those defined as a private, a repair or a community garage, providing storage for motor vehicles with facilities for washing but no other services.

Garden Apartment Building: A two or three story multi-family apartment building usually of wood frame construction. The typical garden apartment building is designed with apartment flats which extend through the building without a central corridor. One half of the units have ground level patios and the second-story units have balconies. In land planning the trend is toward two-story walk up buildings at low density, (typically 15 families per acre gross), with open spaces for recreational purposes and to preserve the natural terrain and trees. Frequently, a sloping site can be adapted to gain another story without necessitating more than one flight of stairs.

Green-belt or Buffer Strip: A strip of land located between incompatible land uses which is subject to private use restrictions, or a negative easement, or is dedicated to public use as open space, for the purpose of protecting the built environment of a subdivision or to enhance a street right-of-way, or both.

Height of Buildings and Structures: The vertical distance from the average ground level abutting a building or structure to the highest point of the roof of a building or highest point of any permanent part of a structure other than a building.

Home Occupation: An occupation carried on within a dwelling or accessory building by members of the family occupying the dwelling with no more than two (2) unrelated persons, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Hotel or Motor Hotel: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than ten (10) sleeping rooms.

Institution: A building occupied by a nonprofit corporation or a nonprofit establishment.

Junk Yard: A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn-out materials, or manufactured products, any of which may or may not be reusable or salable.

Laundromat: A business that provides washing, drying or ironing machines and professional type cleaning and pressing equipment for hire to be used by customers on the premises.

Livestock: Animals kept or raised for use, pleasure, or profit; typically farm animals. "Livestock" shall include, but not be limited to, cattle, horses, poultry, sheep, swine, deer, goats, llamas, mules, donkeys, bison, ducks, ostriches, emus, and alpaca.

Loading Space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, which space shall have a minimum dimension of twelve by thirty-five feet and a vertical clearance of at least fourteen feet.

Lot: A measured portion of a parcel or a tract of land, set forth in a Recorded Plat, recorded or proposed to be recorded, and intended as a unit for transfer of ownership or for development.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Interior: A lot whose side lines do not abut upon any street.

Lot, Through: An interior lot having frontage on two streets.

Lot Coverage: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirements. The percent of lot coverage shall be computed as follows:

Percent of lot coverage = Square feet of ground coverage of all principal and accessory buildings divided by Total square feet of lot area.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: The boundary between a lot and the street on which it fronts.

Lot Line, Rear: The boundary line or lines opposite and most distant from the front street line; except that in the case of uncertainty the City Engineer shall determine the rear line.

Lot Line, Side: Any lot boundary line not a front or rear line thereof; a side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot Width: The horizontal distance between side lot lines, measured at the front building line.

Manufactured (Mobile) Home: A factory-built structure on a non-removable chassis or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear or a flatbed and designed to be used as a dwelling unit or units with or without a permanent foundation.

Manufactured (Mobile) Home Park: Any plot of ground containing ten (10) acres or more which is equipped as required for support of mobile homes and used or intended to be used by one or more occupied mobile homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

Master Plan: The establishment of a planned pattern for development for the City for the next 20 years. The plan provides an advanced view of what the City should and will become in the years ahead and act as a guide for informed decision-making in development matters and to uphold the community desire to preserve and retain the quality of life enjoyed within the City.

Modular Unit: A transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational, or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes.

Negative Easement: A grant by the developer to the public, a corporation, or person(s) for use of a recorded strip of land for open space or other non-developed purposes.

Non-Access Reservation: A parcel or tract of subdivision land withheld from development and subject to private use and access restrictions for the purpose of protecting the environment of a subdivision, or to enhance a street right-of-way, or to improve traffic flow on a principal street.

Non-Conforming Use, Building or Yard: A use, building or yard existing legally prior to or at the time of the passage of this Ordinance or any amendment thereto which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated.

Nursing Home: A residence or other place licensed by the State of Missouri as a nursing home.

Open Space: Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural conditions, with or without public access. Open space includes but is not limited to parks, parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.

Parcel or Tract: A continuous area or acreage of land which can be divided or subdivided as provided by this Ordinance.

Parking Area: An open, unoccupied space used or required for use for parking vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.

Parking Lot: An open surfaced area used exclusively for the temporary storage of motor vehicles, but no vehicles may be equipped, repaired, rented or sold.

Parking Space: A surfaced area, enclosed in the main building or in an accessory building or unenclosed, having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved.

Park Trailer: A modular type unit built on a single chassis mounted on wheels, designed primarily as temporary living quarters for seasonal or destination camping, and having a gross trailer area not exceeding four hundred square feet and not less than two hundred forty square feet in the setup mode.

Pet: A domesticated animal kept for pleasure rather than utility. Small animals including fish or fowl permitted in the house or yard and are customarily kept for personal use or enjoyment within the home. "Pet" shall include but not be limited to dogs, cats, rabbits, small mammals, common aquarium animals, fish, domestic tropical birds (i.e. canaries, parrots, parakeets), rodents and animals which may be classified as " domestic other" (not defined as exotic or wild animals).

Pet, Domestic other: An animal that may be considered appropriate as a pet which is not classified as exotic or wild animal. The animal is kept for personal use and is customarily kept within the home. This classification may include such animals as pot bellied pigs, ferrets, or other animals that may be allowed as pets by the St. Charles County Community Health and the Environment Director.

Planned Unit Development: A tract of land consisting of at least five (5) acres to be developed as an entity according to a plan and which may contain multiple uses; a Planned

Unit Development (PUD) may be planned, developed, and regulated as a single land use unit.

Plat: A map or chart of a tract of land or a subdivision of land.

Public Use Areas: Public parks, playgrounds, recreational areas, designated scenic or historic sites; school sites or sites for other public buildings; and other areas dedicated to public use or enjoyment.

Reverse Frontage: When a subdivision lot occurs between two non-intersecting streets, one of which is a parkway, thoroughfare, or collector and the other is a minor residential street, the lot will front on the minor residential street and a non-access reservation will be provided buffering the rear of the lot from the traffic artery.

Right-Of-Way: The land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course or other public purpose.

Screen Planting: A hedge of closely spaced shrubs with dense foliage in all seasons that effectively blocks view. Among the species that include varieties that would provide the necessary conformation are: American Holly, Chinese Juniper, Rocky Mountain Juniper, Easter.

Senior Day Care: A type of living arrangement in which personal care services such as meals, housekeeping, transportation, and assistance with activities of daily living are available as needed to people who still live on their own.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features--both natural and man-made--and, depending on requirements, the locations of proposed utility lines.

Shopping Center: A group of retail stores, planned and developed for the site upon which they are built and owned and managed as a unit with off street parking provided on the property.

Story: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half story when between fifty and seventy five percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street: A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which

normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, or other such terms but shall not include pedestrian way or alley.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or the addition of new electrical circuits or plumbing fixtures to the building.

Structure: Any improvement on land composed of man-made materials.

Subdivision: The partitioning of a parcel or tract of land by an owner or developer into two or more lots of any size for the purpose of sale, lease, or development, whether immediate or future; included are all changes in street lines, dedication or platting of streets, and change in lot lines.

Townhouse: The townhouse, once known as the row house is a single-family attached unit. Townhouses are characteristically built as individual units in a series of four to eight houses, with common side walls between units and a side yard on the end unit only. Typically, the townhouse has two stories, but may be designed with one, two or three stories and may be built on slab or on basement. Built-in garages are often constructed as part of the unit. Townhouses usually have a fenced private rear yard patio for outdoor living. Townhouse densities will vary, although in general six to eight units per gross acre (including streets) are normal.

Transition: A strip of land located between incompatible land uses which is subject to private use restrictions, or a negative easement, or is dedicated to public uses as open space, for the purpose of protecting the build environment of a development or to enhance a street right-of-way, or both.

Travel Trailers: Including automobile tent trailers, recreational vehicles, or house cars, designed to provide temporary mobile housing for highway and recreational travelers. Such use shall be considered equivalent to a hotel, tourist court or motel for zoning purposes.

Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Variance: A modification of the specific requirements of this Ordinance granted by Board of Adjustment in accordance with the terms of this Ordinance for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. 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 least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting said street shall be measured from the street right-of-way.

Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Side: A yard between the main building and the adjacent side line of the lot, and extending from a front building line to the rear building line.

Yard, Rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Zero Lot Line Dwelling Unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero lot line side in order to increase the amount of usable open space on the remaining area of the lot: Zero lot line dwellings are designed with no windows facing the zero lot line side and are internally oriented to an enclosed, private courtyard or patio. Typically the zero lot line unit is a one story, L-shaped single family house designed as a two-three or four bedroom unit on lots 80 to 100 feet deep by 40, 50, or 60 feet wide, at density of five to seven families per gross acre. The zero lot line unit is usually designed in group or cluster arrangements and the land saved from conventional size house lots is used as common open space for recreation or to preserve natural features of the site.

Zoning Ordinance: The duly approved, enacted, and amended Ordinance which controls and regulates zoning in the City of St. Paul.

ARTICLE 3

GENERAL PROVISIONS

3.01 ESTABLISHMENT OF ZONING DISTRICTS: The *City of St. Paul* is hereby divided into the following zoning districts as shown on the official Zoning Map, which together with all explanatory matter shown thereon is hereby incorporated by reference and declared part of this Ordinance.

R-1A Single Family Residential District
R-1B Single Family Residential District
OT Old Town District
C-1 Local Commercial District
I-1 Light Industrial District
AG Agriculture District
P-R Park-Recreation District
T-G Transitional Growth District

3.02 CHANGES TO OFFICIAL ZONING MAP: That upon adoption of an ordinance by the Board of Aldermen of the *City of St. Paul* that changes the zoning of any tract of land in the City limits, the official map shall be changed to reflect the new zoning. That this map shall also show the ordinance number and date of adoption of any zoning changes.

3.03 AUTHORITY OF OFFICIAL ZONING MAP: The official zoning map shall be available to public inspection at City Hall and the office of the City Engineer and shall be with the revised ordinance the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the City.

3.04 REPLACEMENT OF THE OFFICIAL ZONING MAP: In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Board of Aldermen may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official

Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map.

The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance ____ adopted on _____; this Map replaces and supersedes the previous Official Zoning Map." Unless the prior official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

3.05 RULES FOR INTERPRETATION: Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning map the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- E. A boundary indicated as following the centerline of a stream, river, lake or other body of water shall be construed as following such centerline.
- F. A distance not specifically indicated on the Official Zoning map shall be determined by the scale of the map.

3.06 APPLICATION OF REGULATIONS: The regulations established by this Ordinance within each zoning district shall be minimum regulations for promoting and protecting the public health safety and welfare and shall be uniform for each class of land or building, dwellings and structure throughout each district. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance, the Board of Adjustment shall have the power in passing upon appeals to vary or modify any rules, regulations or provisions of the Ordinance so long as the intent and the purpose of this Ordinance shall be observed, public safety secured and substantial justice done.

3.07 SCOPE OF PROVISIONS: The provisions of this Ordinance shall apply to all uses, structures, improvements, and alterations approved by the City after enactment of this Ordinance.

3.08 SAVING CLAUSE: All rights or remedies of the City are expressly saved to any and all violations of any previous zoning ordinance, or amendments thereto, of the City and that have accrued violation at the time of the effective date of this Ordinance and such accrued violation of previous zoning ordinances which would otherwise become non-conforming under this article, shall be considered as violations of the Ordinance in the same manner.

ARTICLE 4

R-1A SINGLE FAMILY RESIDENTIAL DISTRICT

4.01 PURPOSE: This district is composed of those areas of the City whose principal use is and ought to be single-family dwellings. The regulations of this district are designed to create and preserve a predominately rural character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

4.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

4.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

4.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply:

A. Lot Area:

1. Single Family Dwellings shall be located on lots containing a minimum area of 3 acres.
2. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this District and the off-street parking required by Article 19.
3. Where a use is not connected to a public sewer or public water, the lot area shall be increased to the area determined adequate by the City Engineer to meet current health standards but in no case shall it be smaller than three (3) acres in size, and shall require the review and approval of the Planning Commission.
4. Horses may be kept on a minimum of three (3) acres not to exceed one (1) horse per acre.
5. All streets and roadways shall be constructed to the Standards of the St. Charles County Highway Department.

B. Lot Width and Depth: - The following minimum dimensions must be provided:

Lot Area	Min Lot Depth	Min Lot Width At the building line.
3 Acres	300	250

Where a lot fronts a cul-de-sac the minimum lot width shall be met at 75 feet from the building line.

- C. Lot Coverage: The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.
- D. Dwelling Area (Size): The minimum dwelling size shall be as follows, unless approved by a PUD:
- | | |
|----------------------|---|
| Ranch Style | 1700 square feet |
| One and a half story | 2000 square feet |
| Two Story | 2200 square feet (min. first floor 1300 sf) |
- E. Yard Requirements:
1. Front Yard: not less than seventy-five (75) feet (from centerline of road).
 2. Side Yards: not less than thirty (30) feet.
 3. Rear Yard: not less than fifty (50) feet.
- F. Height Requirements:
1. For Buildings and Structures: No building or structure shall exceed a height of two and one-half (2 ½) stories, or thirty-five (35) feet.
 2. For Accessory Buildings: No detached accessory building shall be higher than twenty five (25) feet, nor higher than the main building. (See Article 13, Supplementary District Regulations for additional regulations for accessory buildings.)
- G. Off-Street-Parking: Four (4) off-street parking spaces shall be provided for each single-family dwelling and a minimum of a two (2) car garage. (See Article 19 for additional parking requirements).
- H. Landscaping Regulations: See Article 17.
- I. Fencing: See Article 13.11.

- J. All lots less than five (5) acres used for residential purposes shall have a paved driveway consisting of asphalt, concrete or concrete pavers.

ARTICLE 5

R-1B SINGLE FAMILY RESIDENTIAL DISTRICT

5.01 PURPOSE: This district is composed of those areas of the City whose principal use is and ought to be single-family dwellings. The regulations of this district are designed to create and preserve a predominately rural character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

5.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

5.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

5.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply:

A. Lot Area:

1. Single Family Dwellings shall be located on lots containing a minimum area of 1 acre.
2. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this District and the off-street parking required by Article 19.
3. Public sewer is required, but if public sewer is not reasonably feasible as determined by the Commission, then a connection to a DNR/EPA approved treatment facility may be approved by the Commission.
4. Public water is required, but if public water is not reasonably feasible as determined by the Commission, then a connection to a MDNR approved water supply may be approved by the Commission.
5. All streets and roadways shall be constructed to the Standards of the St. Charles County Highway Department.

B. Lot Width and Depth: - The following minimum dimensions must be provided.

Lot Area	Min Lot Depth	Min Lot Width
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- J. All lots less than five (5) acres used for residential purposes shall have a paved driveway consisting of asphalt, concrete or concrete pavers.

ARTICLE 6

OLD TOWN DISTRICT

6.01 PURPOSE: The purpose of this district is to preserve the integrity of Old Town St. Paul as identified on the official zoning map and to provide for preserving the rural and historic nature of the Old Town District. The regulations of this district are intended to allow greater design flexibility in development than is permitted by the other district regulations.

6.02 PERMITTED USES: A building or lot shall be used only for the following purposes: All uses permitted in R-1A and R-1B Districts. All uses in this district shall be subject to the regulation as outlined in accordance with the zoning and subdivision regulations of the City of St. Paul.

6.03 CONDITIONAL USES:

- A. Landscape and Horticultural Services
- B. U.S. Postal Service
- C. Electrical Services Offices
- D. Security Brokers and Dealers
- E. Life Insurance Offices
- F. Medical Services and Health Insurance Offices
- G. Fire, Marine, and Casualty Insurance Offices
- H. Surety Insurance Offices
- I. Title Insurance Offices
- J. Insurance Agents, Brokers and Services Offices
- K. Grocery Stores
- L. Meat and Fish Markets
- M. Fruit and Vegetable Markets
- N. Retail Bakeries

- O. Eating and Drinking Places
- P. Florists
- Q. Rooming and Boarding Houses
- R. Elementary and Secondary Schools
- S. Libraries
- T. Museums and Art Galleries
- U. Botanical and Zoological Gardens
- V. Legislative Bodies
- W. General Government, Public Order and Safety Offices and Court
- X. Finance, Taxation and Monetary Policy Offices
- Y. Churches, Temples, Synagogues, Places of Worship, etc.
- Z. Accessory Buildings to Main Structure less than 2,500 sf in floor area used for commercial purposes.

6.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply:

- A. Lot Area Requirements: There are no minimum lot area requirements in this District.
- B. No tract of land within this district shall be subdivided, unless said tract of land is greater than three (3) acres. The minimum size of each lot within said subdivided tract of land shall be equal to or greater than one (1) acre.
- C. Yard Requirements: Since there were no planning and zoning regulations when Old Town St. Paul was originally established, yard requirements shall be consistent with existing layouts and will require a recommendation by the Planning and Zoning Commission and approval by the Board of Aldermen on an individual basis.
- D. Parking Requirements: The parking requirements of this district shall be determined based on a recommendation of the Planning and Zoning

Commission and approval by the Board of Aldermen on an individual basis after evaluating existing conditions and space available.

- E. Architectural and Landscaping Requirements: There are no specific architectural and landscaping requirements for this District; however, the architecture of the later nineteenth and early twentieth century is encouraged.
- F. All streets and roadways shall be constructed to the Standards of the St. Charles County Highway Department.

ARTICLE 7

C-1 RESTRICTED BUSINESS DISTRICT

- 7.01 PURPOSE:** This district is composed of those areas of the City whose principal use is and ought to be local retail, service and restricted repair business activities which serve surrounding residential neighborhoods. This district has been located within the City to permit the development of these business activities to protect adjacent areas against the encroachment of incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.
- 7.02 PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".
- 7.03 CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".
- 7.04 REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply in C-1 Restricted Business Districts:
- A. Minimum Site Area: One (1) acre, unless the project abuts an existing commercial or industrial zone.
 - B. Minimum Lot Width: Seventy (70) feet.
 - C. Lot Coverage: The maximum lot coverage by structures shall not exceed thirty (30) percent.
 - D. Yard and Setback Requirements:
 - 1. Front Yard: not less than twenty-five (25) feet.
 - 2. Side Yards: not required in this district except where a side line of a C-1 lot abuts the side line of a residential or office lot; in that instance a side yard of thirty (30) feet shall be provided plus a transition strip. A side yard of twenty-five (25) feet shall be provided on the side of a corner lot. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty (30) feet side yard.
 - 3. Rear yard: not less than thirty-five (35) feet. Transition strips requirements for abutting residential will be twenty (20) feet planting screen plus thirty-five (35) feet rear yard.

- E. Height Requirements: No building or structure shall exceed a height of thirty-five (35) feet or two and one half (2 1/2) stories.
- F. Performance Standards:
 - 1. Wholesale sales are prohibited.
 - 2. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
 - 3. Other standards are required in Article 13 herein.
 - 4. No separate business establishment shall occupy more than 5,000 square feet of floor space.
 - 5. Flea Markets, both those held inside and outside of a structure are prohibited.
- G. Off-Street Parking: As required in Article 19.
- H. Site Plan Review by Planning and Zoning Commission prior to issuance of a building permit, as required in Article 21.
- I. Landscaping and Screening Regulations: "As required in Article 17 (Note: of particular importance when adjacent to residential use)".
- J. Utilities: Any area zoned C-1 Restricted Business District shall be served by approved public water and sewer facilities.
- K. All streets and roadways shall be constructed to the Standards of the St. Charles County Highway Department.
- L. Brick Requirements: All commercial structures shall be designed/constructed with not less than the specified amounts of exterior building material:

<u>Building Sides</u>	<u>Percent of Net Façade Area</u>
Front of Building and/or any portion of the building facing an public or private street:	100% shall be clad in brick and/or stone

For purposes of achieving compliance with the percentage requirement of the façade treatment, the total façade coverage requirement for a particular structure shall meet

the percentage coverage requirement set out above.

1. Definitions: For purposes of this section, the following terms are defined:
 - a. Brick – shall mean a fired-clay architectural product laid up in small, individual units with concrete mortar joints and with veneer depth of at least three (3) inches.
 - b. Net Façade Area – shall mean the total of an elevation’s wall surfaces which are vertical, or within 20 degrees of vertical orientation, minus the area of any windows or doors including garage doors contained on that elevation. In calculating the net façade area, the vertical areas of columns, chimneys, projecting bays, and roof dormers shall be included, except that individual roof dormers with a net wall area of 100 square feet or less may be excluded from the calculations.
 - c. Stone – shall mean natural stone or a manufactured cement-based architectural product made to match the appearance of natural stone, and laid up in small, individual units with a veneer depth of at least two (2) inches.

Applicability: The requirements of this section shall not apply to site plans or, if applicable, design standards with specified percentage of brick or masonry that were approved prior to the effective date of this section. The requirements of this section shall not apply to the rebuilding of a structure that has been damaged or destroyed by fire or natural disaster.

ARTICLE 8

I-1 LIGHT INDUSTRIAL DISTRICT

- 8.01 PURPOSE:** This district is composed of the area of the City whose principal use is or ought to be light manufacturing, warehousing, and other light industrial uses. These uses generate considerable noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter. This district has been located within the City to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.
- 8.02 PERMITTED USES:** The listing of permitted uses is set out in Appendix "A".
- 8.03 CONDITIONAL USES:** The listing of conditional uses is set out in Appendix "A".
- 8.04 REGULATIONS AND PERFORMANCE STANDARDS:** The following regulations shall apply in all I-1 Light Industrial Districts:
- A. Site Area: Five (5) acres minimum unless the proposed project abuts an existing industrial zone.
 - B. Lot Width: The minimum lot width shall be seventy-five (75) feet.
 - C. Lot Coverage: The maximum lot coverage by structures shall not exceed fifty (50) percent.
 - D. Yard and Setback Requirements:
 - 1. Front Yard: not less than thirty (30) feet.
 - 2. Side Yards: not less than twenty-five (25) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet. Transition strips requirements for abutting residential will be twenty-five (25) feet planting screen plus twenty-five (25) feet side yard.
 - 3. Rear Yard: not less than fifty (50) feet. Transition strips requirements for abutting residential will be twenty-five (25) feet planting screen plus fifty (50) feet rear yard.

- E. Height Requirements:
1. No building or structure shall exceed two and one-half (2 ½) stories above finished grade or thirty-five (35) feet (whichever is lesser) except as provided in Article 13.
 2. Buildings containing three (3) stories may be occupied for residential purposes provided that the main entry to such buildings shall be located at mid level so that no occupant shall be required to traverse more than one story of stairs from the main building entrance to the highest or lowest occupied story.
- F. Landscaping and Screening Regulations: See Article 17 (Note: Of particular importance where adjacent to residential uses.)
- G. Utilities: Any area zoned I-1 Light Industrial District shall be served by approved public water and sewer facilities.
- H. Off Street Parking: As required in Article 19.
- I. Site Plan Review prior to issuance of a building permit, as required in Article 21.
- J. Performance Standards:
1. All industrial operations shall be conducted within a fully enclosed building.
 2. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative-plantings, wooded fences, or brick walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at eye level within one thousand (1,000) feet of the property line.
 3. Other Performance Standards: See Article 20.

ARTICLE 9

AG AGRICULTURAL DISTRICT

9.01 PURPOSE: This district is composed of those areas of the City whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance, and develop farming and related resource utilization activities.

9.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

9.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

9.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all AG - Agricultural Districts.

A. Lot Area: No building or structure shall be established on any lot less than three (3) acres. The minimum lot area for the raising and keeping livestock shall be ten (10) acres, except that horses may be kept on a minimum of three (3) acres, not to exceed one (1) horse per acre.

B. Lot Width and Depth: - The following minimum dimensions must be provided:

Lot Area	Min Lot Depth	Min Lot Width At the building line.
3 Acres	300	250

C. Lot Coverage: The maximum lot coverage by structures shall not exceed ten (10) percent of the lot area.

D. Dwelling Area (Size): The minimum dwelling size shall be as follows unless approved by a PUD:

Ranch Style	1700 square feet
One and a half story	2000 square feet
Two Story	2200 square feet (min. first floor 1300 sf)

E. Yard Requirements:

1. Front Yard: not less than seventy-five (75) feet (from centerline of road).
2. Side Yards: not less than thirty (30) feet.

3. Rear Yard: not less than fifty (50) feet.
- F. Height Requirement: Except as otherwise provided in Article 13, the following the height requirements shall apply in this district.
1. For Dwelling and Non-Farm Buildings and Structures; no dwelling or non-farm building or structure shall exceed a height of two and one-half (2 1/2) stories.
 2. For General and Specialized Farm Buildings and Structures: No general and specialized farm building and structures shall exceed a height of fifty (50) feet.
- G. Off-Street Parking: As required in Article 19.
- H. Performance Standards: As required in Article 20.
- I. All lots less than five (5) acres used for residential purposes shall have a paved driveway consisting of asphalt, concrete or concrete pavers.

ARTICLE 10

P-R PARK RECREATION DISTRICT

10.01 PURPOSE: The value to the public of certain open areas of the City is represented in their natural, undeveloped, or unbuilt condition. It is recognized by this Ordinance that the principal use of certain open areas is and ought to be the development, management, and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, parks and public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the City by the water destruction of resources, the improper and wasteful use of open land, wooded areas, and the periodic flooding and overflow of creeks and streams.

10.02 PERMITTED USES: The listing of permitted uses is set out in Appendix "A".

10.03 CONDITIONAL USES: The listing of conditional uses is set out in Appendix "A".

10.04 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply in all Park-Recreation Districts:

- A. Site Plan Review by the Planning and Zoning Commission prior to issuance of a building permit: As required in Article 21.

10.05 COMMITTEE CREATED; MEMBERS: The St. Paul Parks Committee ("Committee") is hereby created which shall consist of five (5) members, three (3) of whom shall be citizens of the City.

The Committee's members shall be appointed by the Mayor with the consent of the majority of the elected members of the Board and shall serve, from the date of initial appointment staggered terms of 3 years or until such time as a member shall no longer consent to serve or shall be removed from the Committee on the vote of a majority of the elected members of the Board, and in such case, the Mayor with the consent of the majority of the elected members of the Board shall appoint a successor to fulfill the appointment of such member.

After the initial appointment therefore, the members of the Committee shall meet and elect from their members a Chairman of the Committee. The Chairman so elected shall preside at all meetings of the Committee and make reports to the Board and Mayor.

The members of the Committee shall serve without compensation.

10.06 MEETINGS, RULES, RECORDS TO BE KEPT: The Committee shall hold meetings from time to time and such special meetings, as the Committee shall provide by rule.

The Committee shall keep records of its meetings.

The Committee may adopt rules for the transaction of its business, and in the absence of adoption of such rules, the Committee meetings shall be governed by Robert's Rules of Order. The Committee shall keep a record of its meetings and, where applicable, its findings and determinations, which shall be public records of the City. The Committee's records shall be maintained by the Clerk of the City.

10.07 COMMITTEE POWERS: The Committee shall have no powers other than those provided in this Section 3. The Committee is not a "parks board" within the meaning of Missouri Revised Statutes.

- A. The Committee shall have the authority to recommend to the Board for its approval:
1. The expenditure of funds from the park fund for the maintenance, preservation and improvement of Parks, including the construction of such facilities and improvements reasonable or necessary.
 2. The receipt and acceptance of gifts, bequests or donations of real and personal property for the benefit of the Parks of the City.
 3. The sale, lease, purchase, condemnation, acquisition or disposition of real property for the benefit of the Parks of the City.
 4. Hire, retain, fire and discipline agents and employees to perform work or services on behalf of the City for the benefit of the Parks of the City.
 5. Plans and planning for the improvement of the Parks of the City.
 6. Name the Parks of the City.

Such powers in no way limit the authority of the City's Board or its appointed officers to take such actions independent of the recommendation of the Committee.

- B. The Committee shall have the authority on behalf of the Board to:

1. Establish, revise, amend, modify and repeal rules and regulations relating to the operation and use and enjoyment of the Parks of the City, and to administer such rules and regulations.
2. Establish, revise, amend, modify and repeal rules and regulations relating to the operation of the Committee.
3. To consult and advise with public officials and agencies, civic organizations, public utility companies, educational, professional and other organizations and with the citizens with relation to the City parks.

ARTICLE 11

T-G TRANSITIONAL GROWTH DISTRICT

11.01 PURPOSE: The District is composed of those areas of the City which abut or will abut areas of the City of O'Fallon with low density single-family housing and therefore whose principal use is and ought to be single-family dwellings on large lots with a transition within the City of O'Fallon to those areas immediately abutting the limits of the City of St. Paul while allowing a transition to a more suburban character within the City of O'Fallon as the distance from the shared municipal line is increased. In addition to the single-family dwellings permitted in this District, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this District.

11.02 DEFINITIONS: As used in this Zoning District, the following terms have the meaning assigned as follows:

- A. Amenities – shall mean recreational facilities, walking trails, gazebos, etc.
- B. Boundary – shall mean that legal boundary shared by the City of St. Paul and the City of O'Fallon.
- C. City – shall mean the City of St. Paul.
- D. T-G District – shall mean that zoning classification described in this Article.
- E. Transitional Growth Area – shall mean that area of real property within the City extending from any Boundary to a point not less than seven hundred fifty (750) feet from any Boundary.

11.03 APPLICATION: All new territories which may be annexed into the City after the 9th day of February, 2004 that are within seven hundred fifty feet of the Boundary shall only be allowed to petition for rezoning to the T-G Transitional Growth District. All property currently within seven hundred fifty feet of the Boundary is zoned as provided in this Article.

11.04 PERMITTED USES: The permitted use within the T-G District shall be single-family dwellings.

11.05 CONDITIONAL USES: The conditional uses within any T-G District shall be recreational and public uses.

11.06 REGULATIONS AND PERFORMANCE STANDARDS: The following regulations shall apply:

- A. Lot Area:

1. Dwellings shall be located on lots containing an area not less than one (1) acre.
 2. For uses other than single-family dwellings, the lot shall be adequate to provide the yard area required by this District and off-street parking required by Article 19.
- B. Lot Width and Depth: The minimum lot depth shall be two hundred fifty (250) feet and the minimum lot width shall be one hundred fifty (150) feet.
- C. Lot Coverage: The maximum lot coverage by buildings or structures shall not exceed twenty-five percent (25%).
- D. Yard Requirements:
1. Front Yard: Not less than forty (40) feet.
 2. Side Yard: Not less than twenty (20) feet.
 3. Rear Yard: Not less than forty (40) feet.
- E. Height Requirements:
1. Buildings and Structures: No building or structure shall exceed a height of two and one-half stories or thirty-five (35) feet.
 2. Detached Accessory Buildings and Structures: No detached building or structure shall exceed a height of twenty-five (25) feet, nor be higher than the main building.
- F. Off-Street Parking: Two (2) off-street parking spaces shall be provided for each single-family dwelling.
- G. No-Grade Zones: A fifty (50) foot wide no grade zone shall be established along the Boundary. Should any trees be damaged or killed within the no grade zone, they shall be replaced with a similar tree in species and size, said size determined by the caliper of the tree damaged or killed. In the case where the size of the tree damaged or killed cannot be reasonably determined by the Commission, then a tree with a minimum of four (4) inches in caliper shall be the size of the replacement tree.
- H. Planned Unit Development Procedure Prohibited: Planned Unit Developments (PUDs) shall not be permitted within this Zoning District in order to seek relief from the dimensional or setback requirements. Additionally, no amenities shall be required as a condition of approval of any development within this District.
- I. Landscaping Regulations: See Article 17.

- J. Fencing: See Article 13.11
- K. All lots less than five (5) acres used for residential purposes shall have a paved driveway consisting of asphalt, concrete or concrete pavers.

ARTICLE 12

PUD PLAN UNIT DEVELOPMENT

12.01 PURPOSE: The provisions of this article are designed to deal with large scale development and facilitate better site planning and community planning through modification of certain district regulations as they apply to such development.

It is hereby recognized that, for large scale development, the regulations of districts in the Zoning Ordinance, either individually or collectively, might impose unnecessary or undesirable rigidities on the site plan and thereby prevent achievement of the best possible plan within the ordinance. Therefore, this article has the following intents:

- A. To permit flexibility in site design.
- B. To achieve more efficient use of land, within the framework and intent of the Zoning Ordinance, which can result from large scale or multiple use developments.
- C. To encourage and permit provision of open space.
- D. To protect and preserve scenic assets and natural features and to incorporate these into the development.
- E. To foster a more stable community by providing a variety and balance of housing types and living environments.
- F. To encourage and permit variety in the location of buildings, roads, parking lots, and other facilities and activities.
- G. To increase the safety of pedestrian vehicular traffic by reducing the number of traffic conflict points within a development.
- H. To reduce land cost per dwelling unit in residential developments.

This article is intended to achieve these objectives while promoting and protecting the public health, safety, and welfare of the City, and while safeguarding the present or future use and development of areas surrounding a proposed PUD.

The PUD designation is intended to be attached to use districts set forth in this Ordinance and is not a separate use district. The PUD designation may be attached to a parcel of land at the time its zoning classification is amended, or it may be attached to a parcel of land under the zoning district classification(s) existing at the date of application of PUD designation. It is further intended that a PUD designation may be applied to a residential, nonresidential, or a combined residential/nonresidential development.

PROCESSING PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

STEP 1

AREA PLAN APPROVAL

APPLICATION AND AREA PLAN SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT
PLANNING COMMISSION - PUBLIC HEARING, REVIEW, and
RECOMMENDATION
GOVERNING BODY - PUBLIC HEARING and REVIEW
GOVERNING BODY - REVIEW and VOTE

STEP 2

FINAL PLAN APPROVAL

APPLICATION AND FINAL PLAN SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT
PLANNING COMMISSION - REVIEW AND RECOMMENDATION
GOVERNING BODY - REVIEW AND VOTE

STEP 3

CONSTRUCTION PLAN APPROVAL (See Subdivision Regulations)

APPLICATION AND CONSTRUCTION PLAN SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT

STEP 4

DISPLAY HOUSE PLAT APPROVAL (See Subdivision Regulations)

APPLICATION AND DISPLAY HOUSE PLAT SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT

STEP 5

RECORD PLAT APPROVAL (See Subdivision Regulations)
APPLICATION AND RECORD PLAT SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT
GOVERNING BODY - REVIEW and VOTE

STEP 6

BUILDING PERMIT APPROVAL
APPLICATION AND BUILDING PLANS SUBMITTED TO CITY ENGINEER
STAFF REVIEW AND COMMENT

12.02 AUTHORITY: The Board of Aldermen of the City of *St. Paul* shall have the authority to approve area and final Plan Unit Development (PUD) Plans. Such plans may be considered by the Board of Aldermen only after the Planning Commission has reviewed the plans and submitted its recommendations to the Board.

12.03 MINIMUM LOT AREA: The minimum area to be developed under the regulations of this article shall be ten (10) acres, provided however, that the minimum lot area may be waived by the Board of Aldermen upon recommendation of Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees, or wooded areas; wetlands, floodplain, or poor soil conditions on portions of the property; water courses or utility easements crossing the parcel; unusual shape or proportions; and isolation from other undeveloped or developable lands.

In such case, the applicant shall submit information to the Commission to support the request from a waiver of the minimum tract size requirement. The Commission shall consider the request and act thereon, record said action in the minutes of the meeting and inform the applicant of the action in writing. The request for waiver and the Board of Aldermen action shall be made prior to the applicant's submittal of an application for a Planned Unit Development designation. If the Commission accepts the request for waiver or minimum tract size, the Commission shall indicate its decision and the reasons therefore in its report to the Board of Aldermen.

12.04 APPLICATION PROCEDURE: The owner(s) of record, or any person(s) acting on behalf of the owner(s) of record of any tract ten (10) acres or larger in area, may apply for a PUD designation. The application for a PUD

designation shall be for review and approval of an area plan for development of the entire tract. The application may accompany a zoning amendment application for the lot in question. Following review by the Planning and Zoning Commission and approval of the area plan and designation of the lot as a PUD by the Board of Aldermen, a second application shall be made for approval of a Final Plan for the entire tract, or portion thereof, if development is to occur in phases.

A separate application for Final Site Plan approval shall be required for each phase. No construction, grading, or other site improvements may commence and no permit shall be issued therefore, on a tract with a multiple stage PUD designation, until a Final Plan for said tract or part thereof has been approved in accordance with this ARTICLE.

Each application shall be filed with the City Engineer, who shall transmit the area plan to the Planning and Zoning Commission. The application must be filed at least thirty (30) days prior to the Commission meeting at which it is to be first considered.

The applicant may appear before the City Board of Aldermen and/or Planning and Zoning Commission, prior to application for a PUD designation, to discuss the proposed development.

12.05 INFORMATION REQUIRED - AREA PLAN

- A. Application: The application for Area Plan approval shall include the following information:
1. The name of the proposed PUD.
 2. Names, addresses and phone numbers of the owner(s) of record, developer, engineer, surveyor or designer responsible for the planning, engineering survey and design. Registration seal of the designer.
 3. Acreage in the Area Plan.
 4. Legal description of the entire PUD.
 5. Proposed deed restrictions, protective covenants, and homeowner's association articles of incorporation and bylaws.
 6. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
 7. Receipt from the City Clerk showing paid application fee.

8. Any additional information deemed necessary by the City Engineer.
- B. Area Plan: The application shall be accompanied by twenty (20) copies of the proposed Area Plan drawn at appropriate scale showing:
1. Name of the proposed PUD Project.
 2. Scale, date and north arrow.
 3. A key map showing the PUD in relation to the surrounding area.
 4. Within two hundred (200) feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), right-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements, and public sidewalks adjacent to or connecting with the tract, location and size of all existing sanitary sewer, storm sewer, and supply facilities.
 5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys and existing structures.
 6. Existing topography (at least five (5) foot contour intervals). All topographic data shall directly relate to USGS data.
 7. The zoning status of the PUD and of all adjacent properties shall be identified on the Plan. If the project contains more than one Planned District category, the zoning district boundary lines shall be clearly indicated.
 8. Boundary lines of school districts, fire districts, water districts and municipal limits shall be identified on the Plan where applicable.
 9. The general plan layout of the entire PUD showing proposed land uses, streets, parking areas, open space areas, and sidewalks, with significant dimensions indicated where appropriate to clarify the plan.
 10. All planned use area shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the Planned District shall be indicated on the plan dedication or reservation.

11. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities.
12. Proposed stages of development.
13. Site plan data shall be indicated on the Area Plan and shall include the items below:
 - a. Total gross area of the PUD Area Plan in acres.
 - b. Breakdown of total gross area by land use type such as townhouses, single family, retail shops, open space, church, school, etc.

Residential Data:

 - 1) Estimated total residential units.
 - 2) Average square feet of residential land per each type of residential unit.
 - 3) Breakdown of non-residential land by type of use.
 - 4) Total parking by land use type and parking ratio per dwelling unit.
 - 5) Density Chart - Reflecting residential development's density per acre without public right-of-way and with and without other types of land uses.
 - c. Commercial and Industrial Data:
 - 1) Estimated total building square footage by land use type.
 - 2) Percent building coverage by land use type for business and Industrial PUD's.
 - 3) Total parking by land use type and parking ratio per floor area.
14. Building elevation of proposed structures.
15. Landscape Plan in conformance with Article 17.

16. Depict flood hazard boundaries as shown on FEMA maps.
17. Any additional information deemed necessary by the City Engineer, Planning Commission or Board of Aldermen to adequately illustrate the proposed development.

12.06 PROCEDURE FOR AREA PLAN REVIEW:

- A. Upon receipt of the Area Plan from the City Engineer the Planning and Zoning Commission shall undertake a study of the area plan. The City Engineer shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the standards of this Ordinance and other pertinent ordinances.
- B. The Planning and Zoning Commission shall, at the next meeting after which it receives the Area Plan from the City Engineer, establish a public hearing on the Area Plan, said hearing to be held within thirty-one (31) days of the filing date or at the regular Commission meeting closest to that date.

At least fifteen (15) days notice of the hearing shall be published in a newspaper of general circulation along with hearing notice for a zoning amendment for the tract in question, if such amendment is applied for. The public hearing may be held jointly with a public hearing on any zoning change for the tract in question.

- C. The Planning and Zoning Commission shall prepare a report on the Area Plan and shall submit this report to the Board of Aldermen. This report shall contain the Commission's analysis of the Area Plan and its recommendations thereon to the board. If a zoning application is made for the subject lot, the Commission shall report to the Board its review and recommendations concerning said amendment simultaneously with its reports on an Area Plan.
- D. The Board of Aldermen shall review the Area Plan, and the report of the Planning and Zoning Commission thereon, and shall approve, modify, or deny the Area Plan. If a zoning amendment application has been made for the subject tract to permit the development proposed in the Area Plan, the Board shall take action on such amendment before taking action on the area plan.
- E. If the Area Plan is approved by the Board of Aldermen, the applicant shall review the Area Plan in its approved form. The applicant and the owner(s) of record shall then sign a statement that the approved Area Plan shall be binding upon the applicant and the owner(s) of record and upon their heirs, successors, and assigns. The Area Plan shall not be officially approved nor may the applicant submit a Final Plan for the lot or any part thereof, until said statement has been signed as required herein. The foregoing approval and

signing shall constitute official approval of the PUD designation for the subject tract. Rezoning may be made contingent upon the PUD statement being properly signed.

- F. Within five (5) working days of the official approval of an Area Plan, the Mayor shall accurately note, and the City Clerk attest, the PUD designation for the lot in question on the Official Zoning Map.

12.07 STANDARDS FOR AREA PLAN APPROVAL:

The Planning and Zoning Commission shall determine and shall provide evidence of same in its report to the Board of Aldermen and the Board shall determine, based upon its review of the Commission's report and its own findings, that the proposed Area Plan meets the intent of this Ordinance and meets the following standards:

- A. The use of land shall be in conformance with the permitted uses of the district in which the proposed development is to be located, and represents land use policy which is logical and acceptable to the City.
- B. Average density is to be calculated as total land area excluding public right of way, land to be used as detention basins and common ground. Common ground and detention basins may be used in the calculations if it is developed with acceptable amenities, or if the property is to be left in its natural state. However, the development (buildings) so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents. Power line easements (that contain lines equal to or greater than 161 kilovolts) and pipeline easements (including but not limited to easements for gas pipelines, hazardous liquid pipelines, and pipeline facilities as said terms are defined pursuant to Title 49, Code of Federal Regulations, Section 195 and 192, as amended) shall not be permitted to be included in the density calculations for Planned Unit Development for average density residential lot developments less than 3 acres per lot.
- C. The proposed development shall be adequately served by public facilities and services, such as, highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or the persons or agencies responsible for the proposed development shall provide, in a manner acceptable to the board, any such facilities and services.
- D. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services

- E. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land. All common spaces shall be permanently secured as such to the satisfaction of by the Board.
- F. The location of the proposed uses, layout of the site and its relation to streets giving access to it, shall be such that traffic to, from, and within the tract, and concentration of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Commission and Board shall consider among other things, convenient routes for pedestrian traffic, particularly of children; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.
- G. Where applicable, the Commission and Board shall determine that noise, odor, light, or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.

12.08 EFFECT OF AREA PLAN APPROVAL: Approval of the Area Plan by the Board of Aldermen shall have the following effects:

- A. Approval shall assure the applicant that the Area Plan is acceptable to the Board for the three (3) year period provided construction is diligently pursued, and authorizes the applicant to file a Final Plan for the entire tract or portion thereof if the PUD is developed in phases.
- B. Official approval of the Area Plan shall confer PUD status to the subject tract and permit modifications of lot area, lot width, yard requirements, and spacing among buildings and structures within the lot, except on the perimeter thereof, all as set forth in the approved Area Plan.
- C. No deviations from the Area Plan approved by the Board of Aldermen shall be permitted except as provided in this article.
- D. Approval of the Area Plan of a PUD shall expire and be of no effect one (1) year after the date of approval unless a Final Plan has been approved by the Planning and Zoning Commission.

12.09 INFORMATION REQUIRED - FINAL PLAN : Every Final Plan submitted to the Planning and Zoning Commission shall be in accordance with the requirements of this Article.

- A. The Final Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one drawing where required for clarity.
- B. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. The plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. Their registrations seal shall be provided on the plan. It shall further include the name address of the property owner(s), developer(s), and designer(s).
- C. It shall show the scale, north point, boundary dimensions, natural features such as woodlot, streams, rivers, lakes, drains, and topography (at least five (5) foot contour intervals; when terrain is irregular or drainage critical, contour intervals shall be two (2) foot) and similar features.
- D. It shall show existing manmade features such as buildings, structures, easements, high tension towers, power lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts and drains and shall identify adjacent property within one hundred (100) yards and their existing uses.
- E. It shall show the location, proposed finished floor and grade line excavations, size of proposed main and accessory buildings, their relation one to another and to any existing structure to remain on the site, and the height of all buildings and structures, as well as building elevations for the buildings proposed.
- F. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and loading zones.
- G. It shall show the proposed location, use and size of open spaces and the location of any landscaping, fences, or walls on this site. Any proposed alterations to the topography and other natural features shall be indicated.
- H. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. It shall be stated that all necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.

- I. There shall be a Landscape Plan in conformance with the requirements of Article 17.
- J. It shall include any other information deemed necessary by the City Engineer, Planning and Zoning Commission or Board of Aldermen.

12.10 PROCEDURE FOR FINAL PLAN REVIEW:

- A. The Planning and Zoning Commission shall, upon receipt of a Final Plan, study same and approve or deny the Final Plan. The Commission shall advise the applicant of its action in writing.
- B. The Planning and Zoning Commission shall transmit the recommendation for approval or denial of Final Plan to the Board of Aldermen for its review and approval or denial.
- C. The applicant and owner(s) of record shall review the approved Final Plan and sign a statement that the approved Final Plan shall be binding upon the applicant and the owner(s) and their heirs, successors, and assigns.
- D. Building permits may be issued after the applicant has signed the required statement and has followed appropriate procedure as defined in Article 12.01.
- E. The procedure of this Article shall be repeated in full for each phase of the development in the approved Area Plan.

12.11 STANDARDS FOR FINAL PLAN APPROVAL: The Planning and Zoning Commission, in granting Final Plan approval, shall determine that the following standards have been met:

- A. The Final Plan shall conform to the approved Area Plan, except that minor variations in layout may be permitted at the discretion of the Commission and without amendment of the approved area plan. Minor variations include, among others, a change in residential floor area, an increase in non-residential floor area of five (5) percent or less, and a change in layout, provided that in the case of a change in layout, the applicant shall provide the Board of Aldermen and the Commission each a revised area plan which incorporates such layouts. The revised plans shall each be signed by the applicant and owner(s) of record. Modifications, such as, but not limited to, a change in use, type of street, increase in density or intensity of development, type of dwelling unit, or an increase in non-residential floor area of over five(5) percent, shall be considered major changes and shall require amendment of the approved area plan. The Board of Aldermen upon recommendation of the Planning Commission shall determine whether a change is minor or major, in accordance with this Article.
- B. All dedications shall have been effectuated or, in lieu thereof, proper agreements shall be made for such dedication in the future with the Board.
- C. If the tract is to be developed in phases, each phase shall not depend on subsequent phases for adequate access, utilities, or public facilities.

12.12 PRESERVATION AND MAINTENANCE OF OPEN SPACE: All open spaces identified in the approved Area Plan and which are to remain in private ownership shall permanently remain as open space and shall be properly maintained.

12.13 AMENDMENT OF A PUD PROJECT: An approved PUD Project may be amended at either the Area Plan or Final Site Plan stage by use of the procedure for original approval. An amendment to a Final Plan which results in a major change in the Area Plan shall require an amendment of the Area Plan and shall be processed in the same manner as the original application with public hearings before the Planning Commission and the Board of Aldermen following due public notice as required by law.

12.14 EXPIRATION OF APPROVALS:

- A. If a tract has been designated as a PUD by the Board, said tract shall not be developed or used except in accordance with the approved Area Plan and Final Plan unless and until such designation is removed by formal action of the Board.
- B. Failure to obtain approval of Final Plan as herein provided shall authorize the Board to revoke at its discretion the right to develop under the approved Area Plan and to require that a new Area Plan be filed and reviewed in accordance with the provisions of this Article.
- C. Approval of the Final Plan of a PUD shall expire and be of no effect one hundred-eighty (180) days after the date of approval unless and until all appropriate fees have been paid and the City shall have issued a building permit for the development authorized by said approved Plan. Approval of the Final Plan in a PUD shall expire and be of no effect one (1) year after the date of approval unless construction is begun and is diligently pursued in accordance with the approved Plan. Expiration of the approved Plan shall authorize the Board to require filing and review of a new Final Plan in accordance with the provision of this article.
- D. Development under an approved PUD shall be completed within two (2) years of the date of approval of the Final Plan. If said development is not so completed, the Commission shall not review or approve plans for any subsequent phases of the PUD unless good cause can be shown for not completing same.

12.15 EXTENSION OF TIME LIMITS: Time limits set forth in this article may be extended by written agreement between the applicant and the Commission or Board whichever is applicable, in the case of Area plans, and between the applicant and the Board in the case of Final Plans.

However, the two (2) and three (3) year periods provided in Article 12.08(A) and 12.14(D) herein, will not be extended unless so ordered by the Board of Aldermen.

12.16 VIOLATIONS: The approved Area Plan and/or Final Plan shall have the full force of the Zoning Ordinance. Any violation of either the approved Area Plan or approved Final Plan shall be ground for the City Engineer to issue a stop-work order and to withhold building permits or Certificates of Zoning Compliance until the violation is removed, and shall cause the owner of the development to be subject to the provisions of this Ordinance.

12.17 EFFECT OF FINAL PLAN APPROVAL: Once a developer has received Final Plan approval it shall be the developer's responsibility to maintain the following at their sales office:

- A. Description of the developers/subdivision trustees responsibilities for common ground within the subdivision.
- B. A copy of their approved Final Plan indicating the nature of all adjacent zonings as of date of approval.
- C. A copy of all indentures, restrictions, and covenants.
- D. Developers shall be required to post notice, at the sales office, that these items are available for review.

ARTICLE 13

SUPPLEMENTARY DISTRICT REGULATIONS

13.01 PURPOSE: Unless otherwise stated, the regulations hereinafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

13.02 HEIGHT EXCEPTIONS:

- A. Public and Semi-Public Buildings: In any district, public or semi-public buildings, such as hospitals, churches, sanitariums, or schools, either public or private, there permitted, may erect to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall increase one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established in the regulations of the district in which such buildings are situated.

- B. Structural Projections: Chimneys, cooling towers, elevator head houses, fire towers, grain elevator, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, communication, radio and television towers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the District Regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen (15) percent, except as indicated below.
 - 1. Structural projections exceeding the above height limitations shall be considered as conditional uses and shall be processed in accordance with Article 14 of this Ordinance, except in no event shall a communication tower, radio aerial, or television antenna support extend more than twenty-five (25) feet above the ridge of a roof in any residential district.

13.03 YARD AND SETBACK EXCEPTIONS:

- A. Commercial / Industrial Front Yards: In the C-1 and I-1 Districts inclusive where buildings located in the same block on the same side of the street have provided front yards of greater depth than herein required, the Board of Aldermen may require a similar setback for buildings or structures constructed thereafter.

- B. Determination of Setbacks: In measuring a yard, the minimum horizontal distance between the proposed required setback line shall be measured from the proposed right of way line which shall be determined by the Transportation Plan. If a new or existing street is not defined by a adopted Transportation Plan, the required width of said street in question shall be recommended by the Planning and Zoning Commission and determined by the Board of Aldermen.
- C. Contractor's Office: Contractor office and equipment shed (containing no sleeping or eating quarters) shall be kept on location only during the duration of the project or as stipulated by the Board of Aldermen. Such use need not comply with yard setback requirements of this ordinance.
- D. Structural Projections: 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, chimneys, buttresses, ornamental features, and eaves provided, that none of the above projection extend into a minimum yard more than thirty (30) inches; and provided further that balconies, canopies, or open porches having an area not exceeding sixty (60) square feet may project a minimum of six feet into the required front or rear yard, and existing open porches extending into the required yard shall not be enclosed. Mechanical units are specifically excluded from this exception, whether attached or detached.
- E. Fire Escapes / Balconies: An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into the required rear yard.
- F. Accessory Building and Structures: See Article 13.06.
- G. Sight Triangle: On a corner lot in any district, development shall conform to the requirements of the sight triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between eight (8) feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five feet from their point of intersection or at equivalent points on private streets, except that the sight triangle shall be increased for safety by the Board of Aldermen.

- H. Commercial / Industrial Rear Yards: No rear yard shall be required in Districts C-1 to I-1 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway right-of-way or which has a rear railway track connection.
- I. Through Lots: A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

13.04 AREA REGULATIONS:

- A. Maximum Lot Coverage Calculation: In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.
- B. Business and Dwelling Joint Use: For any building used jointly for business and dwelling purposes, the number of dwelling units permitted (by the lot area requirements per dwelling unit) shall be reduced in the same proportion as the floor area devoted to business bears to the entire floor area of the building, provided that floor area below the first floor of such building shall not be included in any calculation under this provision.
- C. Hotel and Apartment Joint Use: For any building providing jointly for hotel and apartment house uses, the number of dwelling units permitted in apartments by the lot area requirements per dwelling unit shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the total area devoted to both uses.

13.05 ACCESS REGULATIONS:

- A. Access to Business and Industrial Districts: No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district; provided, however, that this section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a Planned District development.
- B. Street Access: All lots shall abut a street other than an alley for a width of at least thirty-five (35) feet.

13.06 ACCESSORY BUILDINGS AND STRUCTURES: No accessory building or structure shall be used prior to the principal building or use, except as a construction facility for the principal building. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Ordinance.

Accessory buildings, except garages, must be located in the rear yard of a lot and must conform to all provisions of this Ordinance. On a corner lot, all accessory buildings (except garages) and recreational vehicle pads must be located in the rear yard of a lot on the interior side.

A. Attached Accessory Buildings: Any accessory building which is structurally attached to the principal building of a lot shall be considered part of the principal building and shall comply with all provisions of this Ordinance pertaining thereto.

B. Detached Accessory Buildings and Structures:

1. Height: In any district, a detached accessory building or structure shall not exceed twenty-four (24) feet or two stories in height and shall not be higher than the main building.

2. Yard and Area Requirements: No detached accessory building or structure, except garages, shall be erected in any required front or side yard. Detached accessory building may be located in the rear yard but shall not occupy more than thirty percent (30%) of the rear yard area. No detached building or structure may be erected closer than ten (10) feet to the rear lot line nor closer to the side lot line than the required minimum side yard setback of the district. In no case shall any accessory structure be located in a required transition strip.

13.07 HOME OCCUPATIONS:

A. Restrictions and Limitations: Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this section.

1. Home occupations shall be operated entirely from an enclosed structure and shall not occupy more than fifteen percent (15%) of the total floor area of the main residential building, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants.

2. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence, or other visible evidence of conduct of the home occupation.
3. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
4. There shall be no visible evidence of the home occupation except the owner may provide a home occupation sign which is in conformance with the Sign Standards of the City of St. Paul.
5. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and with no more than two (2) unrelated individuals being employed.
6. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuations in line voltage beyond the property line of the lot upon which the home occupation is conducted.
7. Parking generated by the conduct of a home occupation shall be provided off-street, and other than in a required front yard.
8. No commodities shall be displayed or sold outside of the main residential building.
9. A home occupation permit shall be issued only to the individual occupying a dwelling as his residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner.
10. Any individual requesting a home occupation permit, for the retail sale or retail storage of firearms, weapons, potentially lethal items, or hazardous materials shall indicate on their permit application the exact nature of their business. The individual must have complied with all federal, state, and local regulations dealing with the handling of firearms, weapons, potentially lethal items, or hazardous materials prior to submitting the request for a home occupation permit. The **City of St. Paul** may request proof of compliance at time of application and/or any time the permit is in effect.

13.08 TEMPORARY USES:

- A. Temporary Use Permit: The Mayor and the Board of Aldermen are authorized to issue a permit for a temporary use within any zoning district provided it meets the requirements of this section. The permit shall be issued for a specified period of time and shall contain health, safety and traffic and the Mayor and Board of Aldermen may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.
- B. Temporary Uses Permitted:
1. **Christmas Tree Sales:** Christmas tree sales in any business or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required yard setback for any district by more than fifty percent (50%) and no display or equipment shall be located within the twenty-five foot (25') sight triangle of a street intersection as defined in this Ordinance.
 2. **Contractor's Office:** Contractor's Office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of construction for such project. Such use need not comply with yard and setback requirements of this Ordinance.
 3. **Real Estate Offices:** Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development may continue only until the sale or lease of all dwelling units in the development. Such offices need not comply with the yard setback requirements of these regulations, provided that a plan showing the proposed sales office location and parking layout is approved by the Mayor and the Board of Aldermen.
 4. **Seasonal Sales:** Seasonal sale of farm produce grown on the premises, in an AG District. Structures incidental to such sale need not comply with the applicable front yard requirements provided that no such structure shall be located within the twenty-five foot (25') sight triangle of a street intersection as defined in this Ordinance. All such structures shall be removed or moved back of the street setback line at the end of the season during which they are used.
 5. **Carnivals and Circuses:** A carnival or circus, but only in a P-R, AG, C-1, or I-1 District, and then only for a period that does not exceed three

weeks. Such use need not comply with the applicable yard setback requirements, provided that no structures or equipment shall encroach within the required yard setback for the district in which it is located by more than fifty percent (50%) and no structure or equipment shall be located within the twenty-five foot (25') sight triangle of a street intersection as defined in this Ordinance.

6. **Disasters:** A mobile home may be permitted as a temporary use for the purpose of providing a residential or non-residential structure following a disaster, such as a fire windstorm or flood as determined by the Mayor of the City of St. Paul, provided that the mobile home is located on a three (3) acre site and is located to minimize its impact on adjacent residential areas. Such mobile home shall be removed from its location within six (6) months after its original placement. However, the Mayor may extend the period six (6) additional months upon showing of good cause by the Owner.

- C. **Temporary Dwelling Structures:** No cabin, garage, cellar, basement, or other temporary structure whether of a fixed or moveable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purpose whatsoever for any length of time whatsoever.

13.09 NUMBER OF BUILDINGS PERMITTED PER LOT: Except in Zoning District AG, not more than one principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single-family dwelling unit be located on the same lot with any other principal building or structure, except as permitted under Article 12 (PUD).

13.10 FENCING: Fencing in a residential district shall not be built forward of the rear corner of the main body of house, and may be built on or within the property lines of the side and rear yards, except on corner lots where on the street side the required setback shall be the same as for structures. Fencing will be a maximum height of 48 inches and fencing for pools must meet City Building Code Ordinance standards. All fencing will have the finished side facing outward.

All fencing within a subdivision shall consist of the same type, style, color, etc. of fence and shall be identified on the preliminary plat or area plan, and also identified in the covenants and restrictions of said subdivision. Fencing around pools, hot tubs, etc. are excluded from this requirement.

Any variance from these requirements may be granted by a variance by the Board of Adjustment provided the circumstance stay within the public welfare.

NOTE: A survey should be made of the property lines for proper and legal location of the fence.

13.11 DEVELOPMENT STANDARDS FOR AUTOMOBILE SERVICE STATIONS: The following specific development standard shall be met before a Conditional Use Permit may be issued for an automobile service station so as to control the mode of development, method of operation and to ensure that the location does not adversely affect the health, safety and welfare of the community especially from the traffic point of view.

- a. Site Size: Service station sites shall contain a minimum area of 1 acre, a minimum lot frontage of one hundred fifty (150) feet and a minimum of twenty five hundred (2,500) square feet for each dispenser, whichever is greater. A dispenser may have more than one hose.
- b. Setbacks: See Exhibits A, B and C.
- c. Service Bays: Service bays shall be limited to one (1) per five thousand (5,000) square feet of land area. All service bays are to be contained entirely within the building. Where adjacent to a residential district (R1-A, R1-B and AG), no more than three (3) service bays shall be permitted. Service bay doors shall not face residentially zoned property.
- d. Parking and Access: In addition to providing parking in accordance with Article 19.08(F), there should be adequate space on site for automobiles to wait in line for each dispenser island and dispenser.
- e. Fencing: The site shall be fenced with a six (6) foot brick or stone masonry wall or solid fence of wood or other material deemed appropriate by the Planning and Zoning Commission along each property line which abuts property zoned to any residential classification ("R1-A" and "R1-B" or "AG").
- f. Retail Sales: Sales shall be restricted for the service station to gasoline, oil, tires, batteries and automotive accessories and food and beverages sold from vending machines, unless permission is explicitly granted as part of the Conditional Use Permit for the sale of other items or classes of items such as food, beverages, personal care, or other convenience items, or car washing services.
- g. Trash Disposal and Storage: All used tires and parts, trash and similar objects, shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site.
- h. Gasoline Deliveries: No delivery tanker shall park on public right-of-way during gasoline delivery, nor shall any hose be permitted on the public right-of-way.
- i. Landscaping and Buffering: A landscaped buffer at least twenty (20) feet in width should be provided along the length of all property lines including along all frontage on street rights-of-way except where broken for entrance ways. Landscaping shall be provided in

accordance with a landscape plan approved by the Planning and Zoning Commission.

- j. Curb Cuts and Corner Radius: On corner sites a twenty (20) foot curb radius shall be provided and no curb entrance shall be located within less than fifty (50) feet from the end of such curve. At intersections where a primary flow of right turn traffic is anticipated, a thirty five (35) foot corner curb radius of curvature shall be provided, again with a fifty (50) foot curb cut setback from the end of the curve.
- k. Sight Lines: Landscaping provided along the street frontage in accordance with Article 17.05 B.4. should preserve sight line for entering and exiting traffic. This does not preclude careful placement of street trees with high foliage or low growing shrubbery (below 30 inches).
- l. Signs: See Article 25.

13.12 LIGHTING: The following standards shall apply to all exterior light fixtures on commercial properties within the City of St. Paul, Missouri:

- a. The light from any luminaries (the light source and its enclosure including any reflectors or other devices for the control of light but excluding bracket arms or posts for support or mounting) shall be shaded, shielded or directed to prevent direct light from being cast upon an adjacent property and to prevent glare or the objectionable problems to surrounding areas. The foot candle design at the property line shall not exceed 0.01 at the property line of the developed tract
- b. Except for street traffic lights, lighting fixtures shall not exceed sixteen (16) feet in height, unless specifically permitted by Site Development Plan Approval in accordance with Article 21.06.
- c. No luminaries shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor will any beacon lights be permitted.
- d. Neither the direct, nor reflected light from any luminaries shall create a disabling glare causing traffic hazards to motor vehicle operators on public thoroughfares.
- e. Major outdoor recreation facilities: Lighting systems and standards for major outdoor recreation facilities as determined by the Planning and Zoning Commission, such as athletic fields or stadiums, shall require approval of Conditional Use Permit.

ARTICLE 14

CONDITIONAL USES

14.01 PURPOSE: Conditional uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to public health or safety.

Such conditional uses cannot be allowed to locate as a “right” on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

14.02 AUTHORITY: The Planning and Zoning Commission shall review and conduct a public hearing on all conditional use permit applications. After each such review and public hearing, the Planning and Zoning Commission shall make findings of fact as to whether or not the standards described in Article 14.03 hereunder have been met by the applicant. The burden of proof shall be on the applicant to prove that said standards have been met by the applicant. Thereafter the Planning and Zoning Commission shall make recommendation to the Board of Aldermen on the granting of such permit and on any condition to such permit. The Board of Aldermen shall therefore conduct a public hearing thereon. Thereafter, the Board of Aldermen shall make finding of fact as to whether or not the standards described in Article 14.03 hereunder have been met. Thereafter, the Board of Aldermen shall grant or deny the application and, if granted, may impose conditions on the granting of the application.

14.03 STANDARDS: Each of the following standards must be met in order to grant a conditional use permit. The proposed conditional use will:

- A. Be designed, constructed, maintained and managed so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.

- B. Not be hazardous and will not be unreasonably detrimental, disturbing or devaluing to existing or permitted neighboring uses. The fact that a proposed conditional use may be in a commercial competition with an existing or permitted use shall not be a factor to be considered.
- C. Not create excessive additional requirements at public cost for public facilities and service.
- D. Not significantly increase traffic congestion.
- E. Comply with the **City of St. Paul** Land Use Plan.
- F. Comply with the **City of St. Paul** Zoning Ordinance section pertaining to conditional use.

14.04 CONDITIONS OF APPROVAL: Conditions to granting of a conditional use permit may include, but are not limited to the following:

- A. Use limitation and/or requirements
- B. Height, area and setback limitations and/or requirements.
- C. Parking and loading limitations and/or requirements.
- D. Sign limitations and/or requirements
- E. Architectural elevations limitations and/or requirements of any proposed structures.
- F. Landscaping limitations and/or requirements.
- G. Limitations as specified in the St. Paul Zoning Ordinance on conditional use.

14.05 AUTHORITY TO GRANT PERMITS: The Board of Aldermen, subject to recommendation by the Planning and Zoning Commission, shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the District Regulations of this Ordinance.

14.06 APPLICATION AND FEE: Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning and Zoning Commission and the Board of Aldermen by filling in the official conditional use permit application form, submitting required data, exhibits and information; and depositing the required fee. The application shall be accompanied by a fee as set by the Board of Aldermen. No part of such fee shall be returnable to the applicant.

14.07 INFORMATION REQUIRED IN THE CONDITIONAL USE PROCEDURE: A petition for a conditional use permit shall be signed by all the owners of the property to be affected or by their agent or agents having authority to sign the petition on their behalf. The petition shall be submitted to the City Engineer and shall contain or be submitted concurrently with the following information:

- A. A legal description of the property to be affected (submitted as a hard copy and by electronic media).

- B. A scaled map of such property, correlated with the legal description, and clearly showing the property's location.
- C. The names and addresses of all the owners of such property.
- D. Date of filing with the Planning and Zoning Commission.
- E. The present zoning, proposed change of zoning and proposed use of such property.
- F. The names and mailing addresses of property owners within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of the district proposed to be changed.
- G. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

14.08 ACTION BY THE PLANNING AND ZONING COMMISSION/BOARD OF ALDERMEN:

Upon receiving the application for Conditional Use Permit the Planning and Zoning Commission/Board of Aldermen shall publish notice and hold public hearings on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in Article 23 of this ordinance. The decision to recommend approval or denial of the proposed conditional use shall be based on the following criteria:

- A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
- B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:
 - 1. The location, nature and height of buildings, structures, walls, and fences on the site.

2. The nature and extent of proposed landscaping and screening on the site.
- E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
- F. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- H. In consideration of requests for any conditional use permits the Planning and Zoning Commission/Board of Aldermen shall require such conditions of use as it deems necessary to protect the best interests of the City and the surrounding property and to achieve the objectives of this Ordinance. These additional requirements shall include, but not be limited to, those special provisions applying to certain uses, specified in Appendix A.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance, and grounds for the Board of Aldermen of the City to terminate and cancel such conditional use permit.

- I. A time limitation may be required on the conditional uses specified in the district regulations of this Ordinance. Said conditional use permit shall be renewable at the discretion of the Board of Aldermen.

14.09 ADDITIONAL DEVELOPMENT REQUIREMENTS OF CERTAIN USES:

A conditional use permit shall not be issued to certain uses in this article due to their deleterious effects on public safety, health, welfare, and the City's property values unless they comply with the following site development requirements.

- A. **Quarries and Sand and Gravel Pits:** The removal of soil, including top soil, sand, gravel, stone and other earth materials shall be subject to the following conditions.
 1. There shall be not more than one (1) entranceway from a public road to said lot for each six hundred sixty (660) feet of front lot line. Those streets proposed as haul routes from the pit to a state or federal highway shall be approved by the Mayor and the Board of Aldermen. A maintenance bond shall be posted by the party mining such minerals to guarantee maintenance of the haul route, with the amount to be approved by the Mayor and Board of Aldermen and subject to review

on a two-year continuing basis if the mining operation is to continue beyond a two-year period.

2. Such removal shall not take place before sunrise or after sunset.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by digging, excavating or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal shall not be conducted as to cause the pollution by any material of any surface or subsurface water course or body outside of the lines of the lot on which such use shall be located.
7. Such removal shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, and that such removal shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property, and that in the event that such removal shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence of not less than six (6) feet in height around the periphery of the area being excavated. Fences shall be

adequate to prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top of any slope.

10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator or operators shall file with the City a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, proposed final topography indicated by the contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, and/or other improvements to be made by a definite date.

The restoration plans shall be filed with and approved by the City before quarrying or removal operations begin. The plans shall be certified by a soil or geology engineer. In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of gases into surface or sub-surface water or into the atmosphere. The proposed plan shall be submitted to and approved by the Department of Natural Resources.

The operator or operators shall file with the Board of Aldermen a bond or other surety payable to the City and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used of the required bond shall be submitted to and reviewed by the City Engineer. The bond shall be released upon written certification of the City Engineer that the restoration is complete and in compliance with the restoration plan.

B. **Junk Yards and Inoperative Vehicles:** In addition to and as an integral part of development, the following provisions shall apply:

1. Junk yards shall be established and maintained in accordance with all applicable State of Missouri Statutes and the ***City of St. Paul*** Ordinances.
2. It is recognized by this Ordinance that the location in the open of such materials included in this Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To that end the character of the district shall be maintained and property values

conserved. A solid, unpierced fence or wall of uniform color and construction at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid unpierced fence or wall located on said lot.

3. There shall be only one point in ingress and egress.
4. On the lot on which a junk yard shall be operated, all streets, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered, or chemically treated so as to minimize the nuisance caused by wind borne dust.
5. The burning of automobiles, parts, or any junk material will not be allowed at anytime.

C. **Drive-In Theaters:** In addition to and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least fifty (50) feet from any front street right-of-way with the area between the fence and the street or property line to be landscaped with trees and shrubs.
3. All traffic ingress and egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and existing vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
4. The movie screen shall not be visible from the front street or any major thoroughfare.

D. **Telecommunication Towers:** In addition to and as an integral part of development, the following provisions shall apply:

1. The tower shall be no more than 200 feet in height.
2. No two towers shall be located within a one square mile radius. The distance shall be calculated from the center of the base of the tower.
3. No tower shall be situated within 500 feet of any residential structure. The minimum standard setback from all adjoining property boundaries shall be equal to one foot of setback for each foot of tower height.
4. A determination has been made acceptable to the City that there are no other suitable sites within one mile radius of the proposed tower site.
5. If tower is constructed it shall be three times the capacity of intended use in order that secondary users could lease the balance of the tower capacity at a reasonable rate.
6. The design of the tower compound shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
7. That all owners and lessee of communication towers and the real estate upon which they are situated shall, at the request of the City, allow the City to mount and operate a functioning communicating antenna on the tower for City purposes and shall allow the City reasonable access to the tower for such purpose.
8. The construction, maintenance and operation of such towers shall comply with all Federal, State and City regulations. In addition, the Board of Aldermen may impose reasonable restrictions and conditions to the issuance of any such conditional use permit.
9. Any tower that is no longer in use for its original communications purposes shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple structures all must be dismantled and removed.

E. **Fireworks Regulations**

1. Applications for conditional use permits for fireworks stand must be accompanied by the following:

- a. A site plan, drawn to scale, showing all structures on the property, both permanent and temporary, parking areas, storage facilities, etc. The site plan must indicate the dimensions of the property and the exact location of all structures, including distance from property lines and between structures.
 - b. A letter from the owner of the property on which the stand is located authorizing the operation of a fireworks stand on the property, dated and notarized not earlier than 60 days prior to the date of the application.
2. A minimum of five (5) off street parking spaces per every 1,000 square feet of stand must be provided. These parking areas shall not be on vegetated areas that could present a fire hazard: i.e. dried grass, weeds, etc.
3. One or more signs reading -"FIREWORKS- NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height. Additionally, sufficient exits shall be provided and so indicated with "EXIT" signs or as required by the O'Fallon Fire District.
4. One fire extinguisher per every 50 feet of walking distances shall be provided, with a minimum of two (2) extinguishers per stand. The minimum weight for each fire extinguisher must be 10 pounds, and each fire extinguisher must have certification that it has been recharged within the preceding 12 months. All fire extinguishers must be mounted and clearly visible. Water barrels and buckets may be used in addition to the required number of fire extinguishers.
5. Stands must be located a minimum of 100 feet from gasoline storage tanks, gasoline pumps, or any structures or areas that contain flammable materials.
6. All setbacks of the zoning district in which a stand is located must be observed. All tractor-trailers, trucks, vans or other temporary vehicles used for storage purposes shall be located a minimum of 50 feet from the tent or stand unless, due to size of the parcel or lot, this is not possible. In that event the storage facilities must be located as far as possible from the tent or stand.
7. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.

8. There shall be not more than one (1) sign or banner located on or attached to the fireworks stand or tent. In addition, one (1) ground sign shall be permitted for each stand, located on the same property as the stand. In addition, one (1) sign or advertisement shall be permitted attached to or painted on a tractor trailer or similar large vehicle parked at the stand location. The total area of these signs shall not exceed 400 square feet each. On-premise signs that contain traffic and parking directions and do not exceed 32 square feet in size each are also permitted. All off-premise signs advertising fireworks stands shall comply with all rules and regulations governing signs of the jurisdiction in which the signs are located.
9. Each fireworks stand must be kept in a clean and orderly manner and have trash removal service with a hauler licensed by the St. Charles County Health Department. Also, each stand must have on site a metal bin of not less than one and one-half cubic yards capacity that conforms to Federal Consumer Product Safety Commission, part 1301-Ban of unstable refuse bins. All solid waste generated by the fireworks stand must be placed in the metal refuse bin with the frequency of pickups being dictated by the size of said bin.
10. Each fireworks stand must provide a portable restroom if there are no restrooms available on the site.
11. No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic near the site of the fireworks stand will be permitted. Fireworks stand employees may direct customers to parking spaces only within the boundaries of the stand's parking lot and driveways on private property.
12. Wholesalers may only sell to someone with a sales tax identification number. Buyers with a sales tax identification number must purchase a minimum of \$100.00 of fireworks in bulk quantity.
13. All fees must be paid by a cashiers check.
14. Retail sales of fireworks is permitted from June 20th through July 6th,
15. Fireworks stand owners are to contact the appropriate Fire Protection District in regards to payment of any fire district fees, permits, and other regulations so applicable.
16. If any fireworks stand operator is cited for violating any of these regulations and fails to correct said violation within 24 hours, the operator will not be granted a fireworks permit for the following year.

17. The following are some of the more common building and electrical code regulations regarding fireworks stands.

Please Note:

- a. All overhead electrical wires less than 12 gauge must be supported by a steel cable and fastened to the cable every 54 inches. Wires spanning over 40 feet must have support cables.
- b. The overhead wire shall be a minimum of 15 feet from the ground.
- c. All electrical panels, receptacle boxes or any other type of exterior devices must be weatherproof and in an acceptable condition to meet the Electrical Code.
- d. The only approved extension cords must have "built-in" fuse breakers.
- e. All electrical work must comply with the latest adopted Electrical Code

18. **FIELD INSPECTIONS:** The Fire Inspector of the applicable fire protection district and the **City of St. Paul** Building Inspector will inspect permitted fireworks stands and tents for compliance to the above stated regulations. Inspections will be performed prior to the opening of the stand. It is the responsibility of the stand owner to call the Fire District and the City's Building Inspector (George Butler Assoc, Inc. 636-2400-2444) and notify them that the stand is ready for inspection.

ARTICLE 15

NON-CONFORMING USES

15.01 PURPOSE: Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures which were lawful before this Ordinance was adopted or amended including legal non-conforming uses, buildings and structures which would be prohibited, regulated, or restricted, it is the intent of this Ordinance to permit these buildings and structures and uses of parcels, lots, buildings and structures, herein referred to as non-conformities, to continue until they are discontinued, damaged, or removed. These non-conformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings, Ordinance that such non-conformities shall not be enlarged, expanded, or extended except as provided herein nor to be used as grounds for adding other buildings and strictures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district.

15.02 NON-CONFORMING USES OF LOTS: Where, on the date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot (such use not involving any building or structure or upon which parcel or lot a building or structure is accessory to such principal use) exists that is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. Enlargement: No such non-conforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land or floor space than was occupied on the date of adoption or amendment of this Ordinance and no additional accessory use, building, or structure shall be established thereon.
- B. Relocation: No such non-conforming use of a parcel or lot shall be removed in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this Ordinance or to a parcel or lot not in conformance with this Ordinance.
- C. Discontinuance: If such non-conforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days (except where government action causes such cessation) the

subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

15.03 NON-CONFORMING BUILDINGS AND STRUCTURES: Where, on the, date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reasons of restrictions upon lot area, lot width, lot coverage, height, open spaces, off-street parking, loading spaces and setbacks or other characteristics, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. Enlargement: Such building or structure may be enlarged, expanded, extended, or altered only if the non-conformity is removed.
- B. Destruction: Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Relocation: Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

15.04 NON-CONFORMING USES OF BUILDINGS AND STRUCTURES: Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. Enlargement: No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- B. Change in Use Not Permitted: An existing non-conforming land use or structure shall not cause further departures from the Zoning Ordinance. Although an existing non-conforming use may be continued, except as hereinafter limited, it may not be changed to another use, except to a similar use or to a use permitted in the district in which it is situated and provided it complies with the requirements of the district.

C. Discontinuance: When a non-conforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days (except where government action prevents access to the premises) the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

15.05 REPAIRS AND MAINTENANCE: Repairs and normal maintenance required to keep buildings. In a safe condition may be made to non-conforming buildings or structures, provided that no alterations shall be made except those required by law or ordinance, unless the building or structure is changed to be conforming with this Ordinance.

15.06 CHANGE OF TENANT OR OWNERSHIP: There may be a change of tenancy, ownership or management of an existing non-conforming use, building or structure, provided there is no change in the nature or character, extent or intensity of such use, building or structure.

15.07 COMPLETION OF PENDING CONSTRUCTION AND BUILDING PERMITS: To avoid undue hardships, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the plans or designated use of a building for which a building permit has been heretofore issued, or plans or final subdivision plats which have been approved by the Board at the time of the passage of this Ordinance.

15.08 CONDITIONAL USE: Any use existing at the time of adoption of this Ordinance and which is permitted as a conditional use in a district under the terms of this Ordinance shall be deemed a conforming use in such district, and shall without further action be considered a conforming use.

15.09 SUBSTANDARD NON-CONFORMING LOTS OF RECORD: In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and one of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for 'lot width and area as established by this Ordinance, the lands

involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in the Ordinance.

- 15.10 EXISTENCE OF A NON-CONFORMING USE:** In cases of doubt, and on specific questions raised, whether a non-conforming use exists shall be a question of fact and shall be decided by the Board of Aldermen after notice, a public hearing, and receipt of a report and recommendation of the Planning Commission.
- 15.11 NON-CONFORMING USES NOT VALIDATED:** A use in violation of a provision of the Ordinance which this repeals shall not be validated as non-conforming use by this Ordinance.
- 15.12 JOINT USE OF BUILDINGS, STRUCTURES, AND/OR LAND:** Where a non-conforming use exists, and a conforming use is proposed, the non-conforming use must cease upon initiation of the conforming use.

ARTICLE 16

PROHIBITED USES

16.01 PURPOSE: The intent of this Article is to provide for public safety and health and public welfare by prohibiting hazardous uses and practices.

16.02 REGULATIONS: No temporary or uncompleted building, nor any automotive equipment, trailer, garage, or appurtenances incident to a family dwelling, shall be erected, maintained or used for residence purposes, provided where the exterior, kitchen, at least one (1) bathroom, and more than fifty percent (50%) of the interior of a permanent residence have been completed, this regulation shall not apply. Temporary or outwardly incomplete buildings or structures, open excavation for a basement or foundation, and buildings or structures so damaged as to become unfit for use of habitation shall not be permitted, maintained, or remain in such condition for more than a time period to be stipulated by the City Engineer as per the City Code. No building material, construction equipment, machinery or refuse shall be stored, maintained or kept in the open upon any lot, tract or parcel other than in such districts as permitted in this Ordinance, except during actual construction operations upon said premises or related premises.

ARTICLE 17

LANDSCAPING AND SCREENING

17.01 PURPOSE: The purpose of this landscaping and screening regulation is:

- A. To provide greenery to visually soften paved areas and buildings.
- B. To establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, and noise, glare and heat abatement.
- C. To ensure that the local stock of native trees is replenished, plant material shall generally be native or hardy to this region.
- D. To buffer uncomplimentary land uses and generally enhance the quality and appearance over the entire site of the project.

17.02 AUTHORITY: The City Engineer shall have authority to approve the Landscape Plan subject to such additional requirements as may be deemed necessary by the Planning Commission or Board of Aldermen to promote the purpose of this Ordinance.

17.03 APPLICATION: All plans submitted in support of a Area Plan, Final Plan or Site Plan shall hereafter include a landscape plan, and include transition strip visual screening where appropriate.

17.04 LANDSCAPE PLAN REQUIREMENTS:

- A. Information Required: All plans submitted for approval of a landscape plan shall have the following information:
 - 1. North point and scale.
 - 2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
 - 3. The location, size, and surface of materials of all structures and parking areas.
 - 4. The location, size, and type of all above ground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscape installation.

5. The approximate location, type, size and quantity of all proposed landscape materials, along with the names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards.
6. The location, size and common name of all existing plant materials to be retained on the site. Large masses of trees may be indicated by mass outline only.
7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
8. Location of hose connections and other water sources.
9. The location of all existing trees, 12 inch caliper or larger measured at 4.5 feet above ground level on sites that are proposed for removal.
10. The location, size and type of required screening methods as required in Article 17.04(C) and (D).
11. Tree Preservation Requirements: No more than fifty percent (50%) of all trees on the proposed development site that are over six (6) inches in caliper may be disturbed. Caliper is defined as the diameter of a tree at 4.5 feet above natural grade. Disturbance is defined as intentional or unintentional removal, destruction or killing of any tree. A tree preservation plan must be submitted along with the preliminary plat or area plan for approval by the Planning and Zoning Commission. This plan must include a detailed inventory, location of, and caliper of all trees over six (6) inches in caliper prior to development. Upon completion of construction a plan must be provided indicating a detailed inventory, location of, and caliper of all trees over six (6) inches in caliper of the development.

B. Minimum Tree Requirements:

1. Residential Districts: One tree per fifty (50) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback of ten feet abutting said front property line. Said trees may be clustered or arranged within the setback and need not be placed evenly at 50 foot intervals.

Exception: Individual single family and duplex dwellings not within a subdivision. However, all proposed subdivisions within the Residential Districts shall meet those requirements as a part of subdivision approval.

2. Commercial Districts: One tree per forty (40) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback of ten feet abutting said front property line. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40 foot intervals.

In addition to the required trees, based on street frontage, one tree shall be required for every 3,000 square feet of landscaped open space. These may include the trees required in the parking lots, as set out in Article 17.04(C) and (D).

3. Industrial Districts: One tree per forty (40) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback of ten feet abutting said front property line. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40 foot intervals.

In addition to the required trees, based on street frontage, one tree shall be required for every 3,000 square feet of landscaped open space. Article 17.04(C) and (D).

4. Existing Trees Saved: Existing trees saved on the site during construction may be credited toward the minimum tree requirements specified for each zoning district. Those existing trees credited shall be a minimum of two-inch caliper as measured six (6) inches above the ground for deciduous shade tree. Minimum size for existing ornamental and evergreen species shall be six feet in height. All existing plant material saved shall be healthy and free of mechanical injury.

5. Trees Planted: The majority of the required trees planted shall be medium and large deciduous shade tree as specified in Article 17.04(C) and (D).

- C. Planting Requirements Within Parking and Vehicular-Use Areas: The intent of this section is to encourage interior landscaping within vehicular parking areas, to break-up the large expanses of pavement, and to provide relief from the reflected glare and heat, as well as to guide vehicular and pedestrian traffic.

Except for vehicle storage lots, multiple level parking structures and parking lots having a paved area no wider than a double-loaded aisle no more than 65 feet in width, all parking areas in all zoning districts shall include the following as minimum requirements.

1. Not less than six percent of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces by 270 square feet. Planting which is required along the perimeter of a parking lot shall not be considered as part of the interior landscaping requirement.
2. The landscaping and planting areas shall be reasonably dispersed throughout the parking lots.
3. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to insure proper growth. Any protected planting strip where trees are to be planted shall be a minimum of seven (7) feet wide and shall be protected from vehicle overhang.
4. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
5. In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements in Article 17.04(C) and (D).
6. No landscaping, tree, shrub, fence, wall or similar item shall be placed in zones of ingress or egress at street corners, or in the intersection of a public right-of-way that will create an obstruction to visibility, or is a traffic hazard.

D. Planting Requirements: The minimum planting sizes for all plant material shall be as follows:

1. Medium and large deciduous shade trees: Two-inch caliper, as measured 6" above the ground as specified by the American Association of Nurseryman.
2. Small deciduous or ornamental trees: Four feet in height as specified by the American Association of Nurseryman, with the exception of true

dwarf species.

3. Conifers: Six feet in height.
4. Upright Evergreen Trees: Four feet in height as specified by the American Association of Nurseryman, except for true dwarf varieties.
5. Shrubs: (Deciduous and conifer including spreader and globe tree forms.) Size optional as determined by the applicant.
6. Ground Cover Plants: Crowns, plugs, containers: In a number as appropriate by the species to provide 50 percent surface coverage within the first growing season.
7. Grass Seeding: As appropriate to provide complete coverage within the first growing season.
8. Sod: As necessary to provide coverage and soil stabilization.

17.05 TRANSITION STRIP REQUIREMENTS:

- A. Application: On any lot in a commercial or industrial district which abuts a lot in a residential district there shall be provided a transition strip.
- B. Transition Strip Requirements:
 1. Width: Such transition strip shall not be less than:

<u>DISTRICT</u>	<u>PLANTING SCREEN</u>	<u>YARD TOTAL SET BACK</u>	
C-1 side	20 feet	30 feet	50 feet
C-1 rear	20 feet	35 feet	55 feet
I-1 side	25 feet	25 feet	50 feet
I-1 rear	25 feet	50 feet	75 feet

2. Location: Such transition strip shall be provided along every lot line, except a front lot line, which abuts a lot in such districts; shall not be included as part of the yard required around the building or structure.
3. Screening Required: Such transition strip shall be improved at the time the said lot is improved and shall include a planting screen consisting of compact evergreen plants that will provide an effective screen. A six (6) to eight (8) foot screen wall or fence may be required in addition to, or in lieu of a planting screen when the reviewing authority deems it necessary in order to adequately screen certain types of non-compatible uses.

4. Sight Triangle Exception: On a corner lot in any district no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the ten (10) foot sight triangle as defined in this Ordinance.

17.06 INSTALLATION, MAINTENANCE AND ENFORCEMENT:

- A. Landscaping in Place Prior to Occupancy Permit: All landscape material, living and nonliving, shall be healthy and in place prior to issuance of final Occupancy Permit. A temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives. A site performance bond may be required.
- B. Maintenance and Enforcement: The trees, shrubs, fences, walls and other landscaping materials depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

The developer, his successor and / or subsequent owners and their agents shall be responsible for the continued maintenance.

Plant material which exhibits evidence of insect pests, disease, and /or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season.

Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his agent or agents shall be considered in violation of terms of the Building or Occupancy permit. The City Engineer or his designee is empowered to enforce the terms of this Ordinance.

ARTICLE 18

PLANNING AND ZONING COMMISSION

- 18.01 AUTHORITY TO MAKE A MUNICIPAL PLAN:** The City of St. Paul, Missouri, shall be authorized to make, adopt, amend, extend, and carry out a municipal plan as authorized by law.
- 18.02 CITY PLANNING AND ZONING COMMISSION CREATED - MEMBERS:** A commission to be known as "City Planning and Zoning Commission" is hereby created which shall consist of at least five members. All citizen members shall be appointed by the Mayor, and be approved by the Board of Aldermen and shall serve without compensation and hold no other municipal office. The City Engineer shall serve as advisor to the Commission. A quorum shall be one more than half of the appointed members.
- 18.03 MEMBERS: TERM OF OFFICE- VACANCY:** The City Planning and Zoning Commission shall elect its chairman and secretary from among the citizen members. The term of chairman and secretary shall be for **two (2) years** with eligibility for re-election. The term of each of the citizen members shall be for **four (4) years**, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in the membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.
- 18.04 MEETINGS, RULES, RECORDS TO BE KEPT:** The City Planning and Zoning Commission shall hold regularly scheduled meetings and special meetings as they provide by rule. The Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Any member of the Planning and Zoning Commission who within any twelve (12) month period has three (3) unexcused absences or a total of five (5) absences, shall be subject to immediate removal by the Board of Aldermen for neglect of duty unless there are extenuating circumstances. Any member being more than thirty (30) minutes late to a meeting shall be charged with one-half (1/2) of an un-excused absences.
- 18.05 FUNDS - APPROPRIATIONS OF:** The Board of Aldermen may provide the funds, equipment and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Board of Aldermen and no expenditures, nor agreements for expenditures shall be valid or legal in excess of such amount.

18.06 DUTIES OF COMMISSION: It shall be the function and duty of the Commission to make and adopt plans for the physical development of the municipality, including any area outside of its boundaries but within its statutory authority which, in the Commission's judgement, bear relation to the planning of the municipality, including site plans as provided in Article 21.

18.07 RECOMMENDATIONS OF THE COMMISSION: The Commission, from time to time, shall recommend to the appropriate public officials the following:

1. Review and make recommendation on all rezoning requests.
2. Review and make recommendation on all conditional use permit requests.
3. Review and make recommendation on all amendments to the Zoning Ordinance and the Subdivision Regulations.
4. Review and make recommendation on all applications for site plan approval.
5. Review and make recommendations on all applications for preliminary plat approval.
6. Review and make recommendations on the Comprehensive Plan.
7. Review all directory signs as to their height and overall square feet.
8. Review all requests for county rezoning and platting, for areas located within one and one-half miles of the City limits and send its recommendations to the Board of Aldermen for their final review and recommendation to the County.
9. Advisory items to the Board of Aldermen as requested by the Board of Aldermen.
10. Recommend programs for public structures and improvements and for the financing thereof.

It shall be the function and duty of the Commission to further consult and advise with public officials and agencies, civic organizations, public utility companies, educational, professional and other organizations and with citizens with relation to the promulgation and carrying out of the plan. The Commission shall be the power to delegate authority to any of the above named groups to conduct studies and make surveys for said Commission it deems expedient with the approval of the Board of Aldermen.

The Commission shall, from time to time, review applications, issue reports, and make recommendation to the Mayor and Board of Aldermen on amendments to the zoning map as provided in Article 3, Planned Unit Developments, as provided in Article 12, and all other powers and duties ascribed to them by this Ordinance.

ARTICLE 19

PARKING AND LOADING REGULATIONS

19.01 APPLICABILITY: Off-street parking and loading shall be provided as required in accordance with the regulations of this article. Off-street parking and loading shall be adequate to meet demand in all cases, and spaces shall be made available for use before the final inspection is completed by the City Engineer. Existing off-street parking and loading spaces shall not be reduced below the minimums required in this Article. Any change in use of a building or lot which increases the off-street parking as required under this ordinance shall be unlawful and a violation of this ordinance until such time as the off-street parking and loading complies with the provisions of this Article.

19.02 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS: Off-street parking spaces shall be provided in accordance with the following off-street parking schedule.

<u>LAND USE</u>	<u>NUMBER SPACES REQUIRED</u>
Single-Family	4 spaces per dwelling unit 2 (attached under roof)
Two-Family	2 spaces per dwelling unit (attached under roof)
Multi-Family	2 spaces per dwelling unit (attached under roof)
Townhouse	4 spaces per dwelling unit (attached under roof)
Club, Lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Hotel or Motel	1 per guest room, plus 0.5 per employee
Boarding House	1 per guest room; minimum two spaces
Convalescent Care Facility	1 per three beds, plus 0.5 per employee

Hospital	1 per four beds, plus 0.75 per employee
Correctional Facility	1 per five beds, plus 0.5 per employee
Auditoriums and Stadiums	1 per three seats
Religious Assembly	1 per three seats
College or University	1 per three students, plus 0.5 per faculty member and employee
Vocational School	1 per three students, plus 0.5 per faculty member and employee.
School, High	1 per three students, plus 0.5 per faculty member and employee.
School, Elementary and Middle	2 per classroom, or 1 per five seats auditorium or assembly room, whichever is greater
Library	1 per 400 square feet, plus 0.5 per employee
Bowling Center	5 per lane, plus 0.5 per employee
Golf Course or Country Club	1 per four members or spaces required to serve eating and drinking facilities, whichever is greater
Entertainment, Indoor	1 per 100 square feet
Auction Houses	1 per two employees, plus 1 per three seats, plus 1 per 75 square feet within main sales area
Banks or Financial Institutions	1 per 250 square feet
Service Station	1 per service bay, plus 0.5 per gas pump
Car Wash Self-Service	Two holding spaces for each car washing Stall plus 2 drying spaces for each car washing stall.

Automatic	Ten spaces minimum for customers awaiting service
Vehicle Repair	1 per 500 square feet; minimum 5 spaces
Vehicle Sales and Service	1 per 3,000 square feet of open sales lot, plus 1 per employee
Auto Wrecking or Salvage Yard	1 per employee, plus 1 per 10,000 square feet of storage area
Barber and Beauty Shop	2 per operator/employee
Bars, Taverns and Nightclubs	1 per two seats and 1 per 75 square feet
Dance Halls or Ballrooms	1 per 100 square feet of dance area
Dance or Music Studios	1 per 200 square feet
Day Care	1 per ten pupils, plus 1 per employee
Laundromats	1 per three washing machines
Funeral Homes	1 per four seats, plus 0.5 per employee
Health Club	1 per 200 square feet
Office, Medical	7 per doctor, plus 2 per three employees, or 1 per 120 square feet, whichever is greater
Greenhouse or Nursery	1 per employee, plus 2 per company vehicle and 1 per 600 square feet
Office, General	1 per 300 square feet
Personal Care Service and Personal Improvement Service	1 per 200 square feet
Restaurant, General	20, plus 1 per 100 square feet
Restaurant, Limited	1 per 75 square feet
Restaurant, Fast-Food	1 per 50 square feet
Repair Service	1 per 400 square feet
Research Service	1 per employee

Retail, General	
0-1,999 square feet	1 per 200 square feet
2,000 + square feet	10, plus 1 per 400 square feet for space in excess of the first 2,000
Theater	1 per four seats
Animal Care, Limited or General	1 per 300 square feet
Warehouse	1 per employee, plus 1 per 400 sq ft
Freight Terminal	1 per employee, plus 1 per 400 sq ft
Light Industrial	1 per employee, plus 1 per 400 sq ft

19.03 COMPUTING OFF-STREET PARKING AND LOADING REQUIREMENTS:

- A. 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, unless a shared parking plan is approved pursuant to Article 19.06.
- B. Fractions: When measurements of the number of required spaces result in fractions, any fraction of one-half or less shall be disregarded and any fraction of more than one-half shall be rounded upward to the next highest whole number.
- C. Floor Area: Unless otherwise noted in the provisions, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of public access areas.
- D. Employees, Students and Occupant-Based Standards: For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable.
- E. Unlisted Uses: Upon receiving a development application for a use not specifically listed in the off-street parking schedule, the City Engineer shall apply the parking and loading requirements specified for the listed use that is deemed most similar to the use proposed in the application.
- F. Variance Process: The parking requirements heretofore established may be varied by the Board of Adjustment.

19.04 OFF-STREET PARKING FOR PERSONS WITH DISABILITIES: A portion of the total number of required parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with disabilities.

A. Number of Spaces: The minimum number of spaces to be provided shall be a portion of the total number of parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling a development's overall off-street parking requirements.

Total Parking Spaces	Minimum Number of Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total spaces
over 1,000	20 plus 1 per each 100 spaces over 1,000

B. Dimensions: All parking spaces reserved for persons with disabilities shall be at least 13½ feet in width, measured perpendicular to the angle of parking; provided that the minimum width shall be reduced to nine feet for stalls located adjacent to an area that is well-protected and available for each ingress and egress, with a minimum width of 4 ½ feet.

C. Location of Spaces: Required spaces for persons with disabilities shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path with a minimum width of three feet. The City Engineer may require that off-street parking spaces provided for persons with disabilities be dispersed throughout the project if deemed necessary to ensure safe, convenient and accessible parking spaces for all users of the project.

- D. Signs and Marking: Required spaces for persons with disabilities shall be designated with signs and pavement markings identifying them as reserved for persons with disabilities. Signs shall be posted directly in front of the parking space at a height of no less than 36 inches and no more than 60 inches above pavement level. Signs required by this Article shall not exceed four square feet in area.

19.05 LOCATION OF OFF-STREET PARKING SPACES:

- A. On-Site: Except as otherwise specifically provided, required off-street parking spaces shall be located on the same lot as the principal use.
- B. Within Required Setbacks: Except as otherwise provided, required off-street parking spaces may be located in required front, side or rear setbacks, provided that a ten foot setback shall be maintained between off-street parking areas serving nonresidential uses and the lot lines of lots with residential zoning or residential uses. In no case shall off-street parking areas be located in a required transition strip.
- C. On Residential Driveways: Residential driveways and space within the required front yard setback shall not be counted toward satisfying the off-street parking space requirements of single-family and two-family uses.

19.06 SHARED PARKING: The City Engineer may authorize a reduction in the number of required parking spaces for multiple use developments and for uses that are located near one another that have different peak parking demands and operating hours.

Up to 50 percent of the parking spaces required for: (1) theaters, public auditoriums, bowling centers, dance halls, and night clubs and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by: (2) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in (1), and up to 100 percent of parking spaces required for schools may be provided and used jointly by a church auditorium.

Shared parking shall be subject to the following standards:

- A. Location: Shared off-street parking spaces shall be located no further than 300 feet from the buildings and uses they are intended to serve.
- B. Study: A parking study acceptable to the City Engineer shall be submitted which clearly establishes that users will make use of the shared spaces at different times of the day, week, month or year.

- C. Agreement: A shared parking plan shall be enforced through written agreement. Proof of recordation of the agreement shall be presented to the City Engineer prior to issuance of a building permit.
- D. Revocation of Permit: Failure to comply with the shared parking provisions of this article shall constitute a violation of this ordinance and shall specifically be cause for revocation of a building permit.

19.07 PARKING AND LOADING IN RESIDENTIAL AREAS: It shall be unlawful for the driver, owner or operator of a bus, truck, tractor, trailer, house trailer, tractor-trailer, truck-trailer combination, in excess of one (1) ton, to park or cause to be parked for longer than two (2) hours at any time on any residential street, except that any operator may park said vehicle for a longer period while actually and continuously engaged in loading or unloading, except on Sundays and public holidays.

Overnight parking of motor vehicles in the R-1A through R-M residential zoning districts shall be limited to passenger vehicles and not more than one commercial vehicle not exceeding one ton capacity. No person, firm, corporation, or partnership shall drive through, park or conduct any activity from a pick-up truck rated more than one ton capacity, four-wheel van, semi-tractor or commercial vehicle upon any street, highway, or roadway within a residential area except for local deliveries, meaning the active loading or unloading of the vehicle for no more than 120 minutes. The parking of vehicles with more than two axles and any semi-tractor unit upon any private or public parking lot in the R-1A through R-M residential zoning districts is expressly prohibited without a variance. The **City of St. Paul** may cause the removal of any vehicle or part thereof from any residential area where found in violation of the requirements of this Code. Any expense incurred by said removal shall be at the expense of the driver, operator, or owner of the towed unit.

In the trial of any complaint of a violation of any provision of this article, evidence of the presence of any vehicle on any street or other public place in this city in violation of any such provision, and evidence of the person's name in which such vehicle is registered on the records of either the city treasurer or the director of revenue of the shall be prima facie evidence that the person in whose name such vehicle is registered committed or authorized the violation complained of. This Article shall not apply to trucks used in street construction work and maintenance, laying of water pipe and sewer pipe, street lighting, fire and police alarm systems work and maintenance, or trucks of any other public utility company while engaged in work.

19.08 PARKING PLANS: An off-street parking plan, prepared in a form established by the City Engineer and made available to the public, shall be submitted with each Building Permit application.

19.09 OFF- STREET PARKING AREA DESIGN STANDARDS:

- A. Surfacing: All off-street parking and circulation areas shall have concrete, asphaltic concrete, or asphalt double-seal surfaces, maintained adequately

for all-weather use, with drainage facilities to avoid water flows across sidewalks and adjacent property. Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership may be exempted from this surfacing requirement if approved by the Board of Aldermen.

- B. Access to Off-Street Parking Areas: Non-residential off-street parking areas that make it necessary to back directly onto public streets are prohibited. No entrance or exit for any off-street parking area with over four spaces shall be located within 75 feet of the intersection of any two street right-of-way lines.
- C. Lighting: Lighting fixtures used to illuminate non-residential off-street parking areas shall be arranged to reflect light away from lots containing residential uses and from public streets.
- D. Screening: Non-residential off-street parking areas containing five or more parking spaces shall be screened from view of adjacent residential zoning districts and from lots containing residential uses.
- E. Striping: Non-residential off-street parking areas shall be delineated by pavement striping.
- F. Parking Space Dimensions: Required parking spaces shall be designed in accordance with the following minimum standards. In the event that proposed parking angles are not shown in the table, the City Engineer shall interpolate required dimensions from the table.

PARKING ANGLE	STALL WIDTH (FT)	STALL DEPTH (FT)	AISLE WIDTH (FT)
90 degrees (2-way aisle)	9	20	24
60 degrees (2-way aisle)	9	20	24
75 degrees (2-way aisle)	9	18.5	22
60 degrees (1-way aisle)	9	18	18
45 degrees (1-way aisle)	9	16.5	15
Parallel (1-way aisle)	22 (curb length)	8	12
Parallel (2-way aisle)	22 (curb length)	8	24

19.10 OFF-STREET LOADING REQUIREMENTS: At least one off-street loading space shall be provided for each business that customarily receives or distributes material

or merchandise by vehicle. Additional off-street loading spaces shall be required as shown in the table to ensure traffic safety and convenient traffic circulation patterns.

Use or Use Category	Floor Area in Sq.. Ft.	Loading Spaces Required
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment	2,000 - 10,000 10,000 - 20,000 20,000 - 40,000 40,000 - 60,000 Each 50,000 over 60,000	One Two Three Four One Additional
Apartment building, motel, hotel, offices or office building, hospital or similar institutions or places of public assembly	5,000 - 10,000 10,000 - 100,000 100,000 - 200,000 Each 100,000 over 200,000	One Two Three One Additional
Funeral home or mortuary	2,500 - 4,000 4,000 - 6,000 Each 10,000 over 6,000	One Two One Additional

19.11 OFF-STREET LOADING AREA LOCATION: Off-street loading spaces may occupy part of any required interior side or rear setback, provided that unenclosed loading spaces shall be set back at least 50 feet from adjacent residential zoning districts and in no case shall loading spaces or driveways be located within transition strips. In no case shall off-street loading spaces occupy any part of a required front setback, except in the Industrial Districts.

19.12 OFF-STREET LOADING PLANS: An off-street plan, prepared in a form established by the City Engineer and made available to the public, shall be submitted with each Building Permit application. The off-street loading plan shall serve as the basis for the City Engineer's determination of the adequacy of proposed off-street loading areas.

19.13 OFF-STREET LOADING AREA DESIGN STANDARDS:

- A. Surfacing: All off-street loading spaces shall be hard-surfaced.
- B. Dimensions: Off-street loading spaces shall be at least 12 feet in width and 35 feet in length.
- C. Access: Off-street loading facilities that make it necessary to back directly onto a public street shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on-site and not within a public right-of-way. No loading space shall be located within 75 feet of the intersection of any two street right-of- way lines.

ARTICLE 20

PERFORMANCE STANDARDS

- 20.01 GENERAL PROVISIONS:** No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements. Environmental compatibility shall be of primary concern.
- 20.02 FIRE HAZARD:** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- 20.03 RADIOACTIVITY, ELECTRICAL, OR RADIOELECTRICAL DISTURBANCE:** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical or radioelectrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 20.04 VIBRATION:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- 20.05 SMOKE:** Smoke shall not be emitted with a density greater than No. 1 on the Ringlemen Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- 20.06 ODOR:** No malodorous gas or matter shall be permitted which is offensive so as to produce a public nuisance or hazard on any adjoining lot or property.
- 20.07 AIR POLLUTION:** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which causes soiling of exposed property. In addition all State and Federal requirements shall be addressed.
- 20.08 GLARE:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

20.09 NOISE: Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no productions of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. The L-10 noise level (that level which is exceeded ten (10) percent of the time) shall not exceed the following measurements at any point past the property line of the lot on which the noise is generated.

Octave Band Decibels

0 - 75 CPS (Cycles Per Second)	55 dB
75 - 1200 CPS	40 dB
1200 - 4800 CPS	25 dB
4800 CPS and above	22 dB

20.10 WATER POLLUTION: Pollution of streams and other bodies of water shall be subject to such requirements and regulations established by the State of Missouri, Department of Natural Resources (Water Quality Standard - 10 CSR 20 - 7.031) and the City of St. Paul, Missouri.

20.11 DUST: Dust shall not be permitted from gravel driveways or parking areas that create a nuisance as deemed by the Board of Aldermen.

ARTICLE 21

SITE PLAN REVIEW

21.01 PURPOSE: It is recognized by this Ordinance that there is a value to the public establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural reserves. Toward this end, this Ordinance requires Site Plan review and approval by the Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future development.

The Site Plan is intended to demonstrate to the Board of Aldermen and Planning Commission the character and objectives of the proposed development in adequate detail for the Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the property.

21.02 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN: The City Engineer shall not issue a building permit for the construction of the following buildings and structures unless a detailed Site Plan has been reviewed and approved by the Commission:

- A. A multiple-family building containing three (3) or more dwelling units.
- B. More than one multiple-family building on a lot, parcel, or tract of land, or combinations of lots under one ownership.
- C. A Planned Unit Development in accordance with the provisions specified in Article 12.
- D. Any building or structure or addition thereto in any residential, commercial, office, or industrial district with a floor area greater than 500 Sq. Ft.

Exception: Single Family Dwellings including sheds; garages and other building incidental to the dwelling.

- E. More than one building or structure (except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership) in an commercial or industrial district.

21.03 APPLICATION AND FEE: Any persons may file a request for a Site Plan review by the Commission and Board of Aldermen by filing with the City Engineer the completed application upon the forms provided and payment of the review fee, Article 26. As an integral part of said application, the applicant shall file at least twelve (12) copies of a Site Plan.

The City Engineer upon receipt of such Site Plan, other necessary data, and payment of the required fee, shall forthwith transmit the copies to the Commission and Board of Aldermen prior to its next regularly scheduled meeting and the Commission shall undertake a study of same and shall make recommendation of approval or denial of the Site Plan to the Board of Aldermen. Written notice will be sent to the applicant stating the time and place of review of the Site Plan by the Commission and Board of Aldermen.

21.04 REQUIRED DATA FOR SITE PLAN: Every Site Plan submitted to the Commission shall be in accordance with the requirements of this Article.

- A. The Site Plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the Plan, and shall include more than one drawing where required for clarity.
- B. The property shall be identified by lot lines and location, including dimensions, bearings, angles, and size, correlated with the legal description of said property. The Site Plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s), and designer(s) and their registration seal.
- C. It shall show the scale, north point, boundary dimension, natural features such as woodlot, streams, rivers, lakes, drains, topography (at least five (5) foot contour intervals; when terrain is irregular or drainage critical, contour interval shall be two (2) feet) and similar features.
- D. It shall show existing manmade features such as buildings, structures, easements, required setback, transition strip, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains and shall identify adjacent properties within one hundred (100) yards and their existing uses.
- E. It shall show the location, proposed finished floor and proposed grade line elevations, size of proposed main and accessory buildings, their relation one to another and to any existing structures to remain on the site, and the height of all buildings and structures, as well as building elevations and materials proposed for the structures under consideration.

- F. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lands, service parking and loading zones, in conformance with the requirements set forth in Article 19.
- G. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. All necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.
- H. A Landscape Plan that meets the requirements of Article 17 "Landscaping and Screening Regulations", shall be included as part of the Site Plans submitted.
- I. Any proposed alterations to the topography and other natural features shall be indicated including required storm water detention facilities.
- J. The location, height, and intensity of all exterior lighting.
- K. The location and screening proposed for all trash collection areas.
- L. Depict flood hazard boundaries as shown on FEMA maps.
- M. Elevations of all sides of the proposed structures and materials proposed for construction, including fence material.
- N. Any other information deemed necessary by the City Engineer, Planning and Zoning Commission and/or Board of Aldermen.
- O. Signature block for the Secretary of the Planning Commission.
- P. Show existing and proposed fire hydrants within 1000 feet of the property.
- Q. All site plans shall be reviewed and require approval of the appropriate Fire Protection District and the appropriate School District.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Commission, or presented at their meeting shall become the property of the City and part of the permanent record of any approval.

21.05 STANDARD FOR SITE-PLAN REVIEW: In reviewing the Site Plan, the Commission shall ascertain whether it is consistent with all regulations of the Zoning Ordinance. Further, in consideration of each Site Plan, the Commission and Board of Aldermen shall endeavor to assure the following:

- A. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient.
- B. That provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity.

21.06 APPROVAL OF SITE PLAN: After recommendation of the Planning and Zoning Commission and upon Board of Aldermen approval of a Site Plan the applicant shall file with the Commission four (4) copies thereof. The Secretary of the Commission shall transmit one copy each to the Clerk with the Secretary's signature affixed thereto, certifying the Site Plan conforms to the provisions of the Zoning Ordinance as determined and approved by the Commission. If the Site Plan is denied by the Commission, explanation and notification of denial shall be given to the applicant(s).

21.07 EXPIRATION OF SITE PLAN CERTIFICATE: The Site Plan Certificate shall expire, and be of no effect, one hundred eighty (180) days after the date of issuance thereof, unless within such time a building permit for any proposed work authorized under the said site certificate has been issued. The Site Plan Certificate shall expire and be of no effect three hundred and sixty (360) days after the date of its issuance, if construction has not begun and been pursued diligently on the property.

21.08 REVISION OF SITE PLAN: A Site Plan may be amended or revised by the Commission and Board of Aldermen so far as the Board of Aldermen approved Site Plan is concerned, for which the City Engineer has not issued a building permit, or the work authorized under an issued building permit has not been completed. Such amendment shall be made upon application and in accordance with the procedure provided under Article 21.03 of this Ordinance.

21.09 SITE PLAN BOND: As a condition of approval of the Site Plan, the Commission may require a deposit by the applicant with the City Clerk in the form of cash, certified check, escrow agreement, or surety bond acceptable, to the Board of Aldermen, to insure performance of any obligations of the applicant to make improvements shown upon the detailed Site Plan.

The deposit shall be in an amount sufficient to insure completion of the improvements within the time specified by the Board of Aldermen as recommended by the Planning Commission, in accordance with regulations and standards established by the Board of Aldermen. The Clerk shall rebate to the applicant, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed in each category of improvements, less five percent (5%) retention shown upon the detailed Site Plan as verified by the City Engineer and authorized by the Board of Aldermen. The five percent (5%) retention shall be maintained by the City Clerk for a period of two (2) years from the date of completion of all improvements, as verified by the City Engineer as a maintenance bond, to secure the maintenance of the improvements after the date of completion.

21.10 VIOLATIONS: The filing of a Site Plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the Site Plan is approved by the Planning Commission, permits issued for the improvement of such property and activities subsequent thereto shall be in with the approved Site Plan for the property in question. The approved Site Plan shall have the full force and effect of the Zoning Ordinance. Any violations shall be grounds for the City Engineer to issue stop work orders, withhold further permits, and take all actions necessary for the assessment of all penalties and fines as determined by the Board of Aldermen.

ARTICLE 22

ADMINISTRATION AND ENFORCEMENT

22.01 PURPOSE: It is the purpose of the Section to provide the procedures for the administration of the Ordinance, issuance of permits, inspections of properties, collection of fees, and enforcement against violators of the provisions of this Ordinance and amendment thereto.

22.02 ADMINISTRATION: Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the City Engineer, or by his designee as the Board may designate to enforce provisions of this Ordinance.

The City Engineer (or his authorized representative) is hereby empowered in performance of its functions to enter upon any land in the City for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to effect provisions of this Ordinance. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Article.

22.03 DUTIES OF THE CITY ENGINEER: The City Engineer shall have the power to grant Certificates of Zoning Compliance, building permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

It shall be improper for the City Engineer to approve plans or issue any permits or certificates for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the City Engineer vary or change any terms of this Ordinance.

If the City Engineer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

22.04 CERTIFICATES OF ZONING COMPLIANCE: The City Engineer shall require that all applications for Certificates of Zoning Compliance shall be accompanied by plans and specifications including a plot plan for the site in duplicate drawn to scale. The City Engineer shall retain the original copy for his files.

The Certificate of Zoning Compliance signifies that, in the opinion of the City Engineer, the intended use, building, or structure complies with all provisions of this Ordinance.

It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure, or to extend any use on any lot on which there is a non-conforming use of structure, until a Certificate of Zoning Compliance has been issued. Where a building permit is required, application for a Certificate of Zoning Compliance shall accompany or precede the application for a building permit. (In all other cases in which a building permit is not required, the application for a Certificate of Zoning Compliance shall be made prior to the date when a new or enlarged use of a building or lot or part thereof is intended to begin.)

Applications for Certificates of Zoning Compliance shall be made to the City Engineer.

22.05 VOIDING OF CERTIFICATE OF ZONING COMPLIANCE: Any Certificate of Zoning Compliance granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within three hundred and sixty (360) days of the date of issuance.

22.06 BUILDING PERMITS: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the City Engineer for a building permit to do so and a building permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owners. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approval have been secured prior to any work being initiated.

Blank forms shall be provided by the City at the City Engineer's office for the use of applying for permits as provided in this Ordinance. Any permits issued by the City Engineer shall be on standard forms for such purpose and furnished by the Board of Aldermen. There shall be a separate permit for each building or structure to be constructed, altered, or erected except for accessory buildings which may be included in the permit for the principal building when construction is simultaneous.

Any building permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which proposed construction has not been completed within two (2) years of the time of issuance shall expire by limitation.

22.07 VOIDING OF BUILDING PERMIT: A permit may be revoked by the City Engineer at any time prior to the completion of the building or structure for which the same was issued, when it shall appear to him that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was

procured by false representation, or that any provisions of this Ordinance are being violated.

Written notice of such violation shall be served upon the owner, his agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent locations, and thereafter no such construction shall proceed.

22.08 FEE, CHARGES, AND EXPENSES: The Board of Aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to the Ordinance. The schedule of fees is as shown in Article 26 and may be altered or amended only by the Board of Aldermen. No permit, certificate, conditional use, approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Aldermen, unless or until fees have been paid in full.

22.09 VIOLATION AND PENALTY: The City Engineer or his duly authorized representative shall have power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or threat in violation of this Order. Any owner, lessee or tenant who, having been served with an order in writing signed by the City Engineer or his authorized representative to correct or remove such violations, shall fail to comply with such order within ten (10) days after such service, or who shall continue to violate any of the regulations in this Order, shall be guilty of a misdemeanor and shall be in violation of this ordinance and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00). Each day of violation shall constitute a separate offense.

Any lessee, owner or tenant of land located within any incorporated area of **City of St. Paul** who shall construct, reconstruct, alter, relocate or maintain any building or other structure, or use of such land in violation of the provisions of this Ordinance shall be guilty of a misdemeanor. In the case of such violation the Board of Aldermen, or the owner of any private property or any public body the property of whom or which is or may be affected by any such violation may institute in the Circuit Court any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business or use in or about the premises.

The owner or general agent of any such land, building, structure or premises where a violation of this Zoning Ordinance has been committed or shall exist, or the lessee, or tenant of any entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which violation has been committed or shall exist, or the owner, general agent, architect, builder or contractor or any other person who

knowingly commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00). Each day of violation shall constitute a separate offense.

22.10 COMPLIANCE WITH PERMITS AND CERTIFICATES: Building permits or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violations of this Ordinance, and punishable as provided by Article 22.09, herein.

ARTICLE 23

AMENDMENT PROCEDURE

23.01 ENACTMENT OF ORIGINAL ZONING AND ZONING OF ANNEXED LAND:

Any existing land hereafter annexed into the corporate limits of the City shall automatically be zoned as of the date of annexation as such zoning district of the City which is most comparable to the zoning district of St. Charles County which the land was subject to immediately before such annexation.

23.02 PROCEDURE FOR CHANGES IN ZONING DISTRICTS ZONING REGULATIONS:

A. The Board of Aldermen from time to time, on its own initiative or on recommendation from the Planning and Zoning Commission, may by ordinance repeal, amend, modify, supplement or revise the zoning districts or zoning regulations which are herein or hereafter enacted, whenever the general welfare of the public and of the City will, in the opinion of the Board of Aldermen, be promoted by such change of zoning.

A change of zoning for a particular property(s) may be initiated by resolution of the Board of Aldermen, by resolution of the Planning and Zoning Commission, or by petition of the owners of property(s) to be affected by the proposed change. Except for the Board of Aldermen and the Planning and Zoning Commission, the applicant requesting such change of zoning shall at the time of application pay a fee of which no part of which shall be returnable to the applicant. All applications shall be referred to the Planning Zoning Commission for review and recommendation.

23.03 INFORMATION REQUIRED IN AMENDMENT PROCEDURE:

A petition for change of zoning shall be signed by all the owners of the property to be affected or by their agent or agents having authority to sign the petition on their behalf.

The petition shall be submitted to the Planning and Zoning Commission and shall contain or be submitted concurrently with the following information:

- A. A legal description of the property to be affected.
- B. A scaled map of such property, correlated with the legal description, and clearly showing the property's location.
- C. The names and addresses of all the owners of such property.
- D. Date of filing with the Planning and Zoning Commission.
- E. The present zoning, proposed change of zoning and proposed use of such property.
- F. The names and addresses of all the owners of all the parcels of property within one hundred eighty-five (185) feet of such property.
- G. The names and mailing addresses of property owners within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of the district proposed to be changed.
- H. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

23.04 HEARINGS BEFORE PUBLIC BODIES:

- A. Hearings For Zoning District Regulations. The repeal, amendment, modification, supplementation or revision to the zoning districts or zoning regulations of the City of St. Paul, Missouri, shall be set down for hearing before the Planning and Zoning Commission.

At least fifteen (15) days notice of the time and place of such hearing shall be published in an official newspaper or a newspaper of general circulation within the City. Upon the final hearing of such proposed zoning change, the Planning and Zoning Commission shall submit its findings and recommendations for approval or denial of the proposed change of zoning to the Board of Aldermen.

Before acting upon any proposed ordinance for the enactment or change of any zoning district or regulation, the Board of Aldermen shall set a time and place for a hearing thereon, and at least fifteen (15) days notice of the time and place of such hearing shall be published in an official newspaper or a newspaper of general circulation in the City.

- B. Hearings For Change of Zoning of Particular Property(s). Applications for such zoning changes, pursuant to Section 23.02.B of the Zoning Ordinance of the City of St. Paul, Missouri, shall be set down for hearing before the Planning and

Zoning Commission within ninety (90) days from the date of filing the same. Any such hearing may, for good cause at the request of the applicant or in the discretion of the Planning and Zoning Commission, be continued.

At least fifteen (15) days notice of the time and place of such hearing shall be published in an official newspaper or a newspaper of general circulation within the City. The Planning and Zoning Commission shall notify by mail all property owners known to the Zoning Commission whose property is within one hundred eighty-five (185) feet of the property to be affected. Such notice shall be postmarked at least fifteen (15) days prior to the date of hearing. Upon the final hearing of such application, the Planning and Zoning Commission shall submit its findings and recommendations for approval or denial of the proposed change of zoning to the Board of Aldermen.

Before acting upon any proposed ordinance for the enactment or change of any zoning district or regulation, the Board of Aldermen shall set a time and place for a hearing thereon, and at least fifteen (15) days notice of the time and place of such hearing shall be published in an official newspaper or a newspaper of general circulation in the City.

23.05 PROTEST:

In case a protest against a proposed change of zoning is presented, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of the district proposed to be changed, the Board of Aldermen shall not have authority to enact such proposed change of zoning except upon the affirmative vote in favor of such change of zoning by at least two-thirds (2/3) of all of the members of the Board of Aldermen including for the purpose of this section any members who are absent, who abstain from voting, and who are under a disability or conflict which prevents them from voting.

ARTICLE 24

BOARD OF ADJUSTMENT

24.01 ESTABLISHMENT: A Board of Adjustment is hereby established in accordance with Section 89.010, of Chapter 89, of the Missouri Statutes regarding the Zoning of Cities.

24.02 MEMBERSHIP: The Board of Adjustment shall consist of five (5) members, who shall be residents of the municipality. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each.

Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman who shall serve for one (1) year.

24.03 MEETING AND VOTING: The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Section 89.010 through Section 89.140, of Chapter 89, of the Missouri Statutes.

Meetings of the Board of Adjustments shall be held at the call of the chairman and at such other times as the Board of Adjustment 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 the question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose.

24.04 POWERS: The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by an administrative official in the enforcement of these Articles or of any ordinance adopted pursuant thereto;
- B. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;

- C. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any such regulations or provisions of such ordinance relating to the constructions or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

24.05 CONDITIONS OF DETERMINATION: In exercising the above mentions powers such Board may, in conformity with Section 89.010 to 89.140, 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 powers of the officer from whom the appeal is taken.

The concurring vote of four members of Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which its required to pass under any such ordinance or to effect any variation in such ordinance.

24.06 APPLICATION REQUIREMENTS: The application for a hearing before the Board of Adjustment shall include the following:

- A. A completed application form provided by the Board of Adjustment and filed with the City.
- B. The names and addresses of all the owners of such property
- C. Signatures of all the owners of the property involved or by their agent or agents authorized to sign the application.
- D. A legal description of the property to be affected.
- E. A scaled map of such property, correlated with the legal description, and clearly showing the property's location.
- F. Date of filing with the Board of Adjustment.
- G. The present zoning of such property.
- H. The variance requested and the reason the variance is requested.

- I. The names and addresses of all the owners of all the parcels of property which abut such property.
- J. Statements from adjacent property owners explaining the variance being requested and that they have no problem with the proposed construction.
- K. A non-refundable fee shall be paid by the applicant or applicants. This shall include the reporter's charges for making a record of the testimony, objections and rulings at the hearing upon such application and, in the event of an appeal of the decision of the Board of Adjustment, for preparing a transcript of such hearing.

If the charges of the reporter shall exceed the amount of such deposit, the applicant or applicants shall be obligated for the payment of all such charges and shall upon demand by the Board of Adjustment make an additional deposit in the amount designated in the demand of the Board of Adjustment.

24.07 PUBLIC NOTICE: At least fifteen (15) days notice of the time and place of such hearing shall be published in a legal newspaper of general circulation within the City.

The Board of Adjustment shall notify by mail all property owners known to the Board of Adjustment whose property abuts (roads, highways of all types, manmade waterways and natural waterways will be addressed as nonexistent in the question of abutting property lines) the property to be affected.

24.08 PERFORMANCE: In making any decision varying or modifying any provision of the zoning regulations or in granting an exception to the district regulations, the Board of Adjustment shall impose such restrictions, terms, time limitations, landscaping, screening, and other appropriate safeguards as needed to protect adjoining property.

The Board of Adjustment may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board of Adjustment, and shall be enforceable by or payable to the Board of trustees in a sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board of Adjustment may specify a time limit for completion of such improvements and in the event the improvements are not completed within the specified time, the Board of Adjustment may declare the granting of the application null and void after reconsideration.

24.09 APPEAL OF BOARD OF ADJUSTMENT DECISION: Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board of the municipality, may present to the Circuit Court of the County a petition, duly verified setting forth that such decision is illegal, in whole or in part,

specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made, served upon the Appellant or the Appellant'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 upon application, on notice to the Board of Adjustment and on due cause shown, grant a restraining order.

The Board shall not be required to return original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearings, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the 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. The Court may reverse or affirm, wholly in partly, or may modify the decision brought up for review.

Costs shall not be allowed against the Board of Adjustment unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil action and proceeding.

ARTICLE 25

SIGN ORDINANCE

25.01 INTENT: It is the intent of this Ordinance to regulate and control the location, erection, number, and maintenance of signs and matters relating thereto within the *City of St. Paul* in order to promote public safety, health, and general welfare of the community. These regulations are specifically designed to:

- A. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the City of St. Paul.
- B. Prohibit hazardous and dangerous signs.
- C. Provide a desirable and attractive living environment through harmonious and uniform signage.

25.02 SCOPE:

- A. The provisions of this Ordinance shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and fire safety.
- B. The following sign standards by zoning district are intended to include every district in the City of St. Paul. The districts are as defined by the Zoning Ordinance and Official Zoning Map. Only permanent located signs as described herein and as may be described under Temporary Signs will be permitted in each particular district, except for public signs and City, State and Federal historic markers.
- C. If any district is omitted from this Ordinance, or if a new district is created after the enactment of this Ordinance, no signs shall be permitted therein until this Ordinance is amended to include the new district.
- D. Decals, numerals, names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one (1) square foot or less are excluded from this Ordinance.

25.03 DEFINITIONS: The following definitions shall apply in interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

Abandoned Billboard: A billboard which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project, or product.

Abandoned Sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed.

Animated Signs: Any sign which includes action or motion. For purposes of this Ordinance, this term does not refer to flashing or changing, all of which are separately defined.

Approved Combustible Plastic: A plastic material more than one twentieth (1/20) inch thick which burns at a rate of not more than two and one-half (2.5) inches per minute when subjected to ASTM Standard Test for Flammability of Plastics in sheets of six one hundredths (6/100) inch thickness as determined by the City Engineer.

Awning: Any structure entirely supported by the wall to which it is attached and which has a frame covered by canvas, cloth, or other similar temporary material and/or which can be retracted or rolled to the structure by which it is supported.

Background Area: The entire area of a sign on which copy could be placed, but does not include permanent building surface.

Billboards: Shall mean all signs maintained by advertising agencies which advertise products of their customers or clients, and all business signs individually or privately owned which primarily are not on the premises of the Owner.

Building Face or Wall: All window and wall area of a building in one plane or elevation.

Canopy: Any structure attached to a building at the inner end and supported on the other end, or a free-standing structure, with one or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

Changeable Copy Sign (Manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Changing Sign (Automatic): A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Church Bulletin Board: A sign attached to the exterior of a Church or located elsewhere on Church premises and used to indicate the services and/or other activities of the Church, and including the Church name, if desired.

City: City of St. Paul.

City Engineer: The officially designated representative of the *City of St. Paul* responsible for the enforcement of the Sign Ordinance and other Ordinances.

Copy: The wording or graphics on a sign surface.

Detached Sign: (See “Ground Sign”)

District: As defined under the Zoning Ordinance and Zoning District Map.

Erect: To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, move, or relocate and includes the painting and repainting of existing sign structures.

Facade: The front or main part of a building facing a street; for purposes of this Ordinance the facade is defined as measured from the ground elevation to the head beam.

Face of a Sign: The entire area of sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a plane.

Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not classed as “Flashing Signs”.

Frontage: The length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

Grade: The average level of the finished surface of the ground adjacent to a sign or the exterior wall of a building to which a sign is affixed.

Ground Level: Immediate surrounding grade.

Ground Sign: A free standing sign resting upon the ground or attached to it by means of two or more poles or standards.

Height of Sign: The vertical distance measured from the surrounding grade to the highest point of sign.

Identification Sign: A sign containing only the names and addresses of the occupant of business establishment.

Illegal Signs: A sign which contravenes this Ordinance, or a non-conforming sign for which a permit required under a previous ordinance was not obtained.

Interior Property Line: Property lines other than those forming a dedicated public right of way.

Institutional Sign: A sign identifying the institutional or governmental facility.

Interior Property Line: Property lines other than those forming a dedicated public right-of-way.

Logo: A letter, character, or symbol used to represent a person, corporation, or business enterprise.

Lot: A parcel, tract, plot, or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by the City Engineer.

Memorial Sign: The permanent part of a building which denotes the name of the building, date of erection, historical significance or similar information.

Non-Electrical Sign: Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

Non-Conforming Sign (Legal): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance, or a non-conforming sign for which a variance has been issued.

Outdoor Advertising: An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended, or used to advertise, or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary highway/roadway system.

Owner: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, lessee, devisee, judiciary; any person having a vested or contingent interest in the property or business in question.

Parapet or Parapet Wall: That portion of a building wall that rises above the roof level.

Person: Any natural person, firm, partnership, association, corporation, company, or organization of any kind.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign: Any letter, word, sign device or representation used in nature of an advertisement or announcement projecting perpendicularly from the building.

Residential Construction Project Sign: Directional sign to subdivisions under construction in the *City of St. Paul* and project site promotional sign in the City of St. Paul.

Right-of-Way: That part of any street, road, alley or avenue dedicated for public use as a walkway or thoroughfare for pedestrians or motor vehicles, whether or not the public improvements thereon extend to the full dedicated limits of such right-of-way.

Roof Line: The highest point of the coping on a flat roof, false mansard, or parapet wall; the deck-line of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge for a gable or hip roof. (See Figure 1).

Roof Sign: A sign mounted on the roof of a building.

Rotating Sign: A sign or portion of a sign which moves in a revolving or similar manner.

Seasonal or Special Occasion Temporary Sign: A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

Setback: The minimum horizontal distance between the right-of-way line and the sign structure as specified in a particular Article of this Ordinance.

Show Window Sign: Any temporary sign advertising sales or specials attached to or within three (3) feet of glass surface of any fixed window (glazing) visible from a public right-of-way.

Sight Triangle: As shown on Figure 2.

Sign: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including but not limited to any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures. For the purposes of this Ordinance, this definition shall include those signs painted directly upon a building or other structure.

Sign Area: The area of the sign face. The “sign area” of a multi-faced sign is the sum of the sign areas of each face, including structural trim which can be seen from a single location on an adjacent street. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the sign area shall be computed by drawing an imaginary straight line around a generally rectangular margin and measuring the area so encompassed by these lines.

Sign Attached: A wall sign attached to a building wall or the general vertical plane of a mansard-type roof.

Sign, Commercial Directory: A permanent pole sign designating the name of a commercial center and listing the various tenants of the center.

Sign, Construction: A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

Sign, Directional: A sign which indicates a direction for vehicular or pedestrian traffic or other movement. The sign may contain the street address and / or name of the business center or the name of the use of the building, trademark, logo or similar matter provided that not more than fifty percent (50%) of the sign area is used for this purpose.

Sign, Fluttering: A sign which flutters and includes banners, flags, pennants, or other flexible material which moves with the wind or by some artificial means.

Sign, Ground: Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.

Sign, Hanging: Any sign hanging entirely beneath a canopy, portico, or marquee.

Sign, Illuminated: Any sign which is illuminated by light sources mounted on or in the sign or at some other location.

Sign, Institutional or Government: A sign identifying the institutional or Government facility.

Sign, Marquee, Canopy and Awning: Any attached to or illustrated on a marquee, canopy, or awning, respectively.

Sign, Memorial or Tablets: The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

Sign, Menu Board: Menu for fast food service restaurants.

Sign, Moving: A sign, all or any part of, which moves by any means. Such sign includes a fluttering sign, including fluttering or flashing lights or sequential lights, simulating movement.

Signs, Occupational and/or Identification: An attached wall sign not larger than two (2) square feet in area identifying the name of a person occupying a building.

Sign, Political: A temporary sign advocating or opposing any political proposition or candidate for public office.

Sign, Pole: Any detached sign located on the same lot or parcel as the use it advertises which supported by one or more stationary poles longer than ten (10) feet above the mean grade line of the ground at its base provided that this shall not include a permitted Ground Sign as set forth herein.

Sign, Project Identification: A permanent ground sign identifying an apartment complex, condominium project, or mobile home development entry, name, and or street names within the project.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its edge extends more than nine (9) inches beyond the surface of such building or wall.

Sign, Real Estate: A sign pertaining only to the prospective rental, lease, or sale of the property on which it is located. Real estate signs shall be excluded from the definition of Pole Signs.

Sign, Residential Construction Project: Any temporary sign that provides direction to any residential development under construction in the City of St. Paul, or promotes the residential development on the project site in the City of St. Paul.

Sign, Roof: Any sign erected on a roof but excluding marquee, canopy, wall and signs located on a mansard.

Sign, Structure: The sign and all parts associated with its construction.

Sign, Subdivision Identification: A ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.

Sign, Supports: All structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.

Sign, Temporary: Any sign intended for a limited or intermittent period of display.

Sign, Wall: A sign erected or attached against the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

Sign, Window, Permanent: A sign that is permanently affixed to either side of the glass of an exterior door or window. For the purpose of this Ordinance, a glass brick wall shall be deemed a window.

Sign, Window, Temporary: A temporary sign affixed to the inside of an exterior window or glass door.

Special Displays: Signs not exceeding thirty-two (32) square feet, used for holidays, public demonstrations, or promotion of civil welfare or charitable purposes.

Standard Outdoor Advertising Structure and/or Billboards: All signs which primarily advertise products or businesses which are not located on the same premises as the sign. This includes 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. Real estate signs and political signs are excluded from this definition.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Structural Trim: The molding, batten, caps, nailing strips, latticing, and platforms which are attached to the sign structure.

Temporary Sign: A sign which is not permanent and is allowed for a specific time period.

Traffic Directional Sign: Any sign which aids the flow of traffic.

Use: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Zoning Ordinance: The Zoning Ordinance and amendments thereof for the *City of St. Paul* and the current zoning district map related thereto.

25.04 SIGNS IN RESIDENTIAL DISTRICTS:

A. Allowable Signs

All signs shall be located five (5) feet from the right of way, and out of the sight triangle as shown on Figure 2.

1. Subdivision Identification Signs

- a. Two subdivision identification signs not exceeding thirty-two (32) square feet in size per face, shall be allowed per development.
- b. Where the development has access on two or more streets, or has more than one entrance on one street, identification shall be allowed at each entrance.
- c. No sign shall be more than six (6) feet in height from the surrounding grade to the highest point on the sign.

2. Project Identification Sign

- a. One sign not exceeding thirty-two (32) square feet in size per face shall be allowed per project.
- b. Where the project fronts on two or more streets, one sign shall be permitted per frontage provided that the project has a major traffic entrance on the street where the sign is to be erected.
- c. No sign shall be more than six (6) feet in height from the surrounding grade to the highest point on the sign.

3. Church, Public, or Semi-Public Buildings, or Public Park Identification Sign

- a. One sign per street frontage not exceeding thirty-two (32) square feet in size per face.
- b. No sign shall be more than six (6) feet in height from the surrounding grade to the highest point on the sign.

4. Construction Sign

- a. Not more than one sign per street frontage per lot not exceeding thirty-two (32) square feet in size per face.
- b. Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are attached to or on trailers on the site of construction shall be permitted provided that upon completion of the project the trailer must be removed within one week. These trailers shall not be located closer than fifteen (15) feet of street right of way and not located within the sight triangle.
- c. All such signs shall be removed within either two (2) years from the date of issuance of the sign permit, or when the project has received an approved final inspection.

5. Residential Project Construction Signs

a. Promotional Sign

- 1. One sign per major entrance to the subdivision or project site not exceeding one hundred twenty (120) square feet per face.

b. Directional Signs

- 1. Any number of signs not exceeding sixteen (16) square feet per face
- 2. No sign shall exceed three and one-half (3.5) feet above the elevation of the adjacent driveway at the point which it meets the street right-of-way.
- 3. Each development may also be allowed no more than two (2) directional signs not exceeding ninety-six (96) square feet per face along all State Highways and Interstate Service Roads within the City.
- 4. All directional signs may include directions to the development and pertinent information concerning the developer, but shall not include promotional information.

The sign may contain the street address and/or name of the business center or the name of the use of the building, trademark, logo, or similar matter, provided that not more than fifty percent (50%) of the sign area is used for this purpose.

- a) Directional signs shall be limited to a maximum number of six (6) within the City Limits of St. Paul.
- b) Directional signs shall only be permitted during the following time: From Friday, 5:00pm to Sunday, 6:00pm.

c. **On-Site Sign**

- 1. Such sign shall be removed at such time when ninety percent (90%) of permits have been issued on the lots and/or dwelling units.

d. **Off-Site Signs**

- 1. Such signs shall be removed either within two (2) years from the date of issuance of the sign permit, or when permits have been issued for ninety percent (90%) of the lots and/or dwelling units.
- 2. Such signs shall not be erected in such a manner as to block the view of any pre-existing sign from the normal traffic level.

6. Political Signs

- a. Not greater than thirty-two (32) square feet in sign area per sign face unless posted on billboards.
- b. Posted only on private property with permission of the property owner or lessee.
- c. Shall be in place for a period of not longer than sixty (60) days prior to the election and shall be removed within fifteen (15) days after the election is held to which they pertain. The fifteen (15) day removal period shall not apply to those candidates who successfully ran for nomination at the primary election in August, until after the General election in November.
- d. Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

- e. Political signs cited as violating any of the provisions of this Ordinance shall be removed by the sign owner and /or property owner of that sign within five (5) days after notice of the violation. The failure to remove such sign within that five (5) day period will result in the cost of removal being billed to the sign owner and / or property owner.
- f. Shall not exceed eight (8) feet in height above grade at its base.
- g. It shall be the responsibility of all candidates and their committee to assure that political signs are maintained in good repair and failure to so maintain shall be grounds to issue a notice of violation.
- h. Lighted signs shall be positioned as to not shine on adjacent properties. Electrical permits will be required for such signs.

7. Directional Signs

- a. Two signs per entry/exit not exceeding six (6) square feet in size per face.
- b. No sign shall exceed three and one-half (3.5) feet above the elevation of the adjacent driveway at the point which it meets the street right-of-way.

8. Memorial or Tablet Sign

- a. One sign not exceeding six (6) square feet in size per face unless such signs are installed by the Federal, State, County or City government or agencies thereof.
- b. No sign shall exceed six (6) feet in height from the surrounding grade to the highest point on the sign.

9. Property Real Estate Signs

- a. One sign per lot frontage not exceeding six (6) square feet per face and shall be removed within ten (10) days following the date of closing or lease initiation.

10. Special Displays and Other Temporary Signs

- a. The following temporary signs may be approved by the City Engineer for up to a thirty (30) day time period. Such signs may

be extended beyond the thirty (30) day time period, but only upon review and approval by the Board of Aldermen.

- b. Only two temporary sign permits, per business, will be issued during a calendar year.
 - 1. Seasonal or other special occasion signs such as special events and special business hours.
 - 2. Yard signs, such as “Siding by.....”
 - 3. Subdivision Directional Signs not exceeding three (3) square feet in size per face.
 - 4. All other temporary signs not specifically referenced in this Ordinance.
 - 5. Portable signs, signs not permanently affixed to the ground.
- c. The following types of special displays and promotional signs are permitted subject to the following guidelines. In all cases they are to be maintained in good condition and if found otherwise, they are subject to immediate removal by the City Engineer.
 - 1. **Banners** - Special Displays using banners for promotional purposes will be permitted for a 30 day time period, per promotion.
 - 2. **Pennants** - Will be permitted for promotional purposes
 - 3. **Flags in front of display homes** - Will only be permitted until the home is no longer used for display purposes.
 - 4. **Seasonal Promotional Signs** - One sign no greater than six (6) square feet. These signs shall be displayed only during the hours of operation of the business. The sign shall be placed inside at the close of each business day.

11. No Trespassing Signs

- a. One sign per driveway.
- b. Sign shall not exceed two (2) square feet in size per side nor a height of four (4) feet from the ground.

12. Home Occupation

- a. One non-illuminated wall sign not exceeding two (2) square feet mounted on the dwelling.

13. Official Government Flags

- a. Shall meet acceptable flag etiquette.
- b. Shall meet height limitations as set forth in the Zoning Ordinance.

B. Additional Regulations

- 1. Shall be located at least fifteen (15) feet from the edge of the street, out of the street right of way and shall meet sight triangle requirements
- 2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.

25.05 SIGNS IN COMMERCIAL DISTRICTS: Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

A. Allowable Signs

- 1. All signs permitted and regulated in Article 25.04.
- 2. Attached Signs
 - a. One or more attached signs not exceeding ten percent (10%) of the total square footage of the building face upon which it is placed.
 - b. In the instance of corner lots, an additional attached sign will be permitted on each street frontage of the building not exceeding ten percent (10%) of the total square footage of the respective building face upon which it is placed.
 - c. Shall be face mounted on the building wall, projecting not more than nine (9) inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, and shall be enclosed on both ends where involving a pitched roof location.
 - d. Support structures for wall signs shall be concealed from public view.

3. Awnings and Canopy Signs
 - a. In lieu of an attached sign, awnings and canopies advertising the business on the premises only will be permitted. Such signs shall be in accordance with the building codes of the City of St. Paul.
4. Ground Mounted Sign
 - a. One ground-mounted sign per lot not exceeding forty (40) square feet per face.
 - b. Such signs shall not exceed six (6) feet in height from the surrounding grade to the highest point on the sign.
 - c. Shall be located no closer than fifteen (15) feet the street Right of Way.
 - d. Such signs shall meet the sight triangle requirements of the City's Zoning Ordinance and shall not be located so as to obstruct vision at a vehicular entry or exit from the property.
 - e. In no instance will the conversion of commander boards ground mounted signs be allowed.
4. Pole Sign
 - a. One pole sign per lot not exceeding seventy (70) square feet per face.
 - b. Such signs shall not exceed thirty-five (35) feet in height and shall conform the same locational requirements for ground mounted signs.
 - c. The bottom of the sign shall be at least ten (10) feet above the surrounding grade.
 - d. Up to forty (40) square feet of changeable copy area may be added a pole sign in lieu of a ground mounted sign.
 - e. Directories - All buildings with multiple occupancy shall be required erect a directory sign in lieu of the allowable pole sign. The sign shall reviewed and approved by the Planning and Zoning Commission as to overall height and square footage.
5. Occupational/Identification Sign
 - a. One attached, non-illuminated sign not exceeding two (2)

square feet in size displaying the name, occupation and/or service located upon the premises, and the address.

- b. Such signs shall conform to the locational requirements of attached signs.6.Permanent Window Signs
- a. Shall not cover more than twenty percent (20%) of the total window area or door which they are applied.
- b. Decals, numerals, names, addresses, hours, credit information, etc., attached doors or windows and all of which occupy a total area of one (1) square foot or less are excluded from this Ordinance.
- c. Such signs may be attached either the interior or exterior of a window or glass door and shall be maintained in good repair.

7. Menu Boards

- a. Two signs are allowed per site.
- b. All menu items, promotions, pictures, or other displays related to the menu sign(s) must be contained within the permanent structure of the menu sign(s).
- c. Shall not exceed forty (40) square feet per sign.

B. Additional Regulations

- 1. Each building or property shall be allowed a maximum of three signs, which may be either an attached sign, a ground-mounted sign, or a pole sign, but the total number shall not include more than one sign of each of these types (signs listed in Article 25.04, window signs and occupational/directional signs as regulated by this Article are excluded from this maximum of three signs.)
- 2. Buildings with Multiple Occupancy - For buildings and/or property containing more than one business or tenant, each business or tenant may have an attached sign conforming the requirements of this Article. For the purposes of determining the total square footage of the attached sign, only the face of each respective lease unit which the respective sign will be attached shall be counted. Each sign must be attached the lease unit containing the business or tenant identified.
- 3. Each building or property may have one additional attached sign conforming to the requirements of this Article on walls containing a main

entrance which faces customer parking areas and are not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building.

4. All ground and pole signs shall be located in a landscaped area.

25.06 SIGNS IN INDUSTRIAL DISTRICTS: Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

A. Allowable Signs

1. All signs permitted and regulated by Article 25.05.

25.07 SPECIAL USE SIGNAGE: Shall be located at least fifteen (15) feet from the edge of the street, out of the right of way and shall meet sight triangle requirements.

A. Automobile and Truck Service Stations - Convenience Stores with Gasoline Pump

1. Allowable Signs

a. Brand Identification Signs

1. One pole-mounted sign not exceeding seventy (70) square feet per face. As regulated in Article 25.05.
2. One ground-mounted sign, in lieu of a pole-mounted sign, not exceeding forty (40) square feet in size per face. As regulated in Article 25.05.
3. One attached sign not exceeding ten percent (10%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional attached sign will be permitted on each street frontage of building not exceeding ten percent (10%) of the total square footage of the respective building face upon which it is placed. As regulated in Article 25.05.
4. One attached company logo not exceeding thirty-two (32) square feet per street frontage. As regulated in Article 25.05.

- b. Price Signs
 - 1. Two price signs per pump island not exceeding ten (10) square feet per face per sign.
 - 2. One price sign as a component of the permitted pole sign not exceeding forty (40) square feet per face in lieu of the price signs per pump island.
 - 3. Shall be located at the ends of pump islands and may be affixed the canopy, canopy supports, poles, or end pumps.
- c. Self Service and/or Full Service Signs
 - 1. Two self-service or full service signs per pump island not exceeding ten (10) square feet per face per sign.
 - 2. Shall be located at the ends of pump islands and may be affixed the canopy, canopy supports, poles, or end pumps.
- d. Federal and State Stamps, Octane Ratings, Pump Use Directions, No Smoking Signs
 - 1. As required by Federal, State and Local Authorities
- e. Temporary Signs - see Article 25.04

3. Additional Regulations

- a. Canopy Use - An attached or detached canopy may be used in lieu of the permitted pole sign for the location of brand identification or company logos.
- b. Portable Signs - The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.

B. Standard Outdoor Advertising Structures/Billboards

- 1. Permitted Zones
 - a. Such signs shall be permitted upon recommendation of the Planning and Zoning Commission and approval by the Board of Aldermen.
- 2. Area and Height

- a. The maximum area for any one sign shall not exceed eight hundred (800) square feet in size per face, with a maximum width of twenty (20) feet and a maximum length of sixty (60) feet inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
- b. The maximum height shall not exceed fifty (50) feet from the highest point on the sign to surrounding grade or street level, whichever is higher.
- c. The maximum size limitations shall apply to each side of a sign structure and signs may be placed back to back, double faced, or in V-type construction with not more than three side-by-side displays to each facing, but such sign structures shall be considered as one sign. However, there shall be no vertical stacking signs.

3. Location

- a. All such signs must be erected within the first one hundred (100) feet of depth, from the adjoining street frontage, of the property upon which the sign is to be located.
- b. No such sign shall be erected within two thousand (2,000) lineal feet of an existing sign on the same side of the street. In cases of interstate, same side of street shall include interstate roadway and service road, either state, county, or City maintained.
- c. No part of any sign shall be located any closer than five hundred (500) lineal feet of a residence, regardless of zoning district.
- d. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- e. No such sign shall be placed closer than five hundred (500) feet to an intersection on a dual or proposed dual highway provided, however, that such signs may be affixed to or located adjacent to a building at such intersection in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No such sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road in this Article.

- f. The minimum front yard setback for such signs shall be a minimum of thirty (30) feet from the road right-of-way. The measurement will be from the closer point (face of the sign will extend vertically down to the ground) of the sign.
 - g. No sign shall be located on the right-of-way of any road or any slope or drainage easement for such road.
 - h. The minimum side yard setback for billboards shall be twenty-five (25) feet from side property line or right of way.
 - i. Accessibility for such structures shall be hard surfaced.
4. Plans - An application to erect such a sign shall be accompanied by the following:
- a. A set of plans, to scale, approved by a licensed engineer, providing all necessary construction and electrical details of the sign and sign structure, including height.
 - b. A site plan must be submitted with an application to the **City of St. Paul** Planning and Zoning Commission to scale, containing:
 - 1. The proposed location of the sign upon the property.
 - 2. The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines and driveway entrances.
 - 3. The distance from the proposed sign location to the next nearest billboard sign on the same side of the street in either direction.
 - 4. The distance from the proposed sign location to the nearest street in this Article in either direction.
 - 5. State of Missouri Billboard Permit.
 - c. A representation of the proposed sign, to scale, including the width and length of the sign faces.
5. Construction Specifications - Henceforth, any such sign erected under this Ordinance shall be a single pedestal type, constructed of non-corrosive metal. Construction of the sign and material specifications shall comply with Article 903 of the Missouri Standard Specifications for Highway Construction, as applicable, and must meet the structural requirements of the City's building code.

25.08 PROHIBITED SIGNS:

- A. The following types of permanent signs shall be prohibited in the City of St. Paul:
1. Permanent signs which do not meet the flammability test or approved combustible plastic.
 2. Flashing signs; however, not including digital time and temperature signs.
 3. Fluttering signs, pinwheels, pennants, streamers, and banners except official government flags, or street banners approved by the City Engineer.
 4. Moving signs or swinging signs, signs not rigidly fixed.
 5. Roof Signs
 6. Signs not permanently affixed to the ground.
 7. Signs which contain characters, cartoons, or statements, words or pictures of an obscene, indecent, prurient, or immoral character.
 8. Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal.
 9. Signs attached to, suspended from, or painted on any vehicle which is regularly parked on any street or private property to display, demonstrate, advertise, or attract the attention of the public.
 10. Signs which project more than nine (9) inches from the face of the building or structure.

25.09: NON-CONFORMING SIGNS:

- A. Any sign legally existing prior to enactment of this Ordinance, but which shall violate any provision of this Ordinance, may continue to be maintained and used after passage of this Ordinance subject to the following provisions:
1. Enlargement - No non-conforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of the Ordinance. See Article 25.10, Paragraph E.

2. Relocation - No non-conforming sign shall be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of adoption of this Ordinance, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose, may be relocated once and allowed to be maintained and used as before.
3. Discontinuance - If the business or service advertised or identified by a non-conforming sign ceases to be conducted for a period exceeding thirty (30) calendar days, the non-conforming sign shall be classified as "Abandoned Sign", and removed. See Article 25.11, Paragraph J.
4. Destruction - Should any non-conforming sign be destroyed by any means to an extent of up to fifty percent (50%) of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Ordinance. See Article 25.11, A.3.

25.10 ADMINISTRATION AND ENFORCEMENT:

- A. Administration - Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the City Engineer, or by deputies of his department as the Board may designate to enforce provisions of this Ordinance.

The City Engineer (or his authorized representative) is hereby empowered in performance of its functions to enter upon any land in the City for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to affect provisions of this Ordinance. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Article.

- B. Duties of the City Engineer Officer - The City Engineer shall have the power to grant sign permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

It shall be improper for the City Engineer to approve plans or issue any permits or certificates for any sign until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the City Engineer vary or change any terms of this Ordinance.

If the City Engineer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or

structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

- C. Permit Required - It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the City Engineer for a sign permit to do so and a sign permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person, or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

Blank forms shall be provided by the City Engineer for the use of those applying for permits as provided in this Ordinance. Any permits issued by the City Engineer shall be on standard forms for such purpose and furnished by the Board of Aldermen. There shall be a separate permit for each sign constructed, altered, or erected.

Any sign permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which proposed construction has not been completed within one (1) year of the time of issuance shall expire by limitation.

- D. Voiding of Sign Permit - A permit may be revoked by the City Engineer at any time prior the completion of the sign for which the same was issued, when it shall appear him that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, or that any provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any such person employed on the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter no such construction shall proceed.

- E. Existing Signage - Should any existing sign be enlarged, replaced, or reconstructed, it shall be considered a new sign. If an existing sign is repainted or the sign panels are replaced for the purpose of changing the business, occupation, or tenant advertised or identified, it shall be considered a new sign. However, the repainting of a sign for ordinary maintenance or the repair or restoration of an existing sign to a safe condition after being damaged by storm or other accidental act as shown in accordance with the original sign permit, shall not constitute such a change as to classify the sign as a new one, subject to the provisions of Article 25.10, A. 4. "Destruction".

- F. Permit Number Displayed - Any billboard sign hereafter erected following passage of this Ordinance shall display the sign permit number on the base of the sign in the lower right-hand corner in no less than one inch (1") letters and numerals. In the case of pole mounted signs, the number shall be incorporated into the base of the sign structure.
- G. Structural Requirements - All signs shall comply with the pertinent requirements of the City of St. Paul's Building Code.
- H. Safety - Any existing sign which is or becomes an immediate danger or hazard to persons or property because of being in an unsafe condition, or which obstructs any fire escape, window, or door, is subject to immediate removal by the City Engineer without notice and at the expense of the property and/or sign owner.
- I. Maintenance - All signs and sign supports shall be maintained in good repair so as to prevent rust, peeling, flaking, or fading. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days notification by the City Engineer.
- J. Abandoned Signs - Any sign or sign structure which advertises a business no longer conducted or service no longer rendered, or a product no longer sold on the premises or lot shall be classified an abandoned sign and shall be removed by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is located within ten (10) days following written notice by the City Engineer concerning its removal.
- K. Illumination - Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares. All illuminated signs shall require a electrical permit from the City of St. Paul.
- L. State Right-of-Way Requirements - All signs erected within the jurisdiction of State right-of-way requirements shall meet State, County and City requirements.
- M. Violations - If it is found that a sign is in violation of this Ordinance, the City Engineer, or his designee, shall give notice to the owner of the sign, or if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located or, if the sign erection is not complete, to the sign erector, either personally, by United States Mail, or by posting such a notice on the premises, such notice stating:
 - 1. The violations found: and

2. That the violations must be brought into compliance with requirements of this and all other City Ordinances within ten (10) days from the date of such notice. For temporary signs the date of such notice shall constitute the first day of the thirty (30) day time period allowed by such signs.
 3. The requirements which must be met; and
 4. That any person found to be in violation of any provision of this Ordinance shall be subject to a fine of \$100.00, or up to ninety (90) days imprisonment, or to both such fine and imprisonment, with each day of such violation constituting a separate offense without further notice being required.
- N. Compliance with Sign Permits - Sign permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance as provided herein.
- O. Fees - For those signs for which a permit is required to be obtained, the permit fee shall be a one time charge of ten dollars plus a fee of two dollar (\$2.00) per square foot of sign area.
- P. Not for Profit Organizations - To assure right-of-way requirements are met, the **City of St. Paul** will require all not for profit organizations to secure sign permits. However, a fee will not be charged by the **City of St. Paul** for these permits.

25.11 SIGNS EXEMPT FROM PERMIT REQUIREMENTS:

- A. The following types of signs are exempt from the permit requirements of this Ordinance:
1. Property Real Estate Signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises, upon which said signs are located only.
 2. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
 3. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency, or non-advertising signs as may be approved by the Board of Aldermen.

4. Political signs.
5. Professional name plates not exceeding two (2) square feet in area.
6. Occupational signs not over two (2) square feet in area (on buildings).
7. Signs erected inside a building and not visible through windows.
8. Window signs.
9. Official Government Flags.

25.12 APPEALS:

- A. Any aggrieved person, firm, corporation, or any governmental officer, department, board or bureau may appeal a decision of the City Engineer before the Board of Adjustment.
- B. Grounds for Granting a Variance - The Board of Adjustment grant variances from this Ordinance for any permitted form of signage where it is found that because of the limitations on character, size, or dimensions of a sign, or the regulations controlling the erection or installation of a sign, the applicant would be subject to undue hardship. Undue hardship is not considered the loss of possible advantage, economic loss or gain, or mere inconvenience to the applicant.

25.13 SEVERABILITY: If any Article, sub-article, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 26

FEE SCHEDULE

- 26.01 ZONING AND REZONING APPLICATIONS** \$920.00
- 26.02 CONDITIONAL USE & HOME BUSINESS APPLICATIONS** \$600.00
- 26.03 VARIANCE APPLICATIONS** \$350.00*
* Plus Publication Costs to be paid by the Applicant

- 26.04 GRADING PERMIT AND SWPPP** (when separate from Construction Plans)
 - Zero (0) to Twenty (20) acres \$600.00
Plus an additional \$37.50/acre above Zero (0) acres
 - Twenty (20) acres to One Hundred (100) acres..... \$1,350.00
Plus an additional \$11.50/acre above Twenty (20) acres
 - Above One-Hundred (100) acres \$2,270.00
Plus an additional \$2.50/acre above One-Hundred (100) acres

- 26.05 PRELIMINARY PLAT, AREA PLAN, FINAL PLAN REVIEW**
 - One (1) to five (5) lots or units..... \$1,000.00
 - Six (6) to twenty (20) lots or units..... \$1,500.00
Plus an additional \$100.00/unit above 5 units
 - Twenty-one (21) lots and above..... \$2,500.00
Plus an additional \$50.00/unit above 20 units

- 26.06 COMMERCIAL SITE PLAN REVIEW**
 - Commercial Industrial Development:
 - Up to one (1) acre \$1,000.00
 - One (1) to three (3) acres..... \$1,000.00/acre
 - Above three (3) acres..... \$1,000.00
Plus an additional \$100.00/acre

- 26.07 A. CONSTRUCTION PLAN REVIEW/INSPECTIONS (Commercial/Industrial/Residential R-1B)**
(Fees Include site inspection fees for common or public improvements)
 - Zero (0) to Five (5) acres \$600.00
Plus an additional \$750.00/acre above Zero (0) acres
 - Five (5) acres to Twenty (20) acres..... \$4,350.00
Plus an additional \$400.00/acre above Five (5) acres
 - Above Twenty (20) acres \$10,350.00
Plus an additional \$150/acres above Twenty (20) acres
up to a maximum fee of \$35,000 per construction phase

- 26.07 B. CONSTRUCTION PLAN REVIEW/INSPECTIONS (Residential R-1A)**

(Fees Include site inspection fees for common or public improvements)

Zero (0) to Ten (10) acres	\$400.00
Plus an additional \$300.00/acre above Zero (0) acres	
Ten (10) acres to Twenty-Five (25) acres	\$3,400.00
Plus an additional \$200.00/acre above Ten (10) acres	
Above Twenty-Five (25) acres	\$6,400.00
Plus an additional \$125/acres above Twenty-Five (25) acres up to a maximum fee of \$35,000 per construction phase	

26.08 RECORD PLAT

a. Residential Subdivisions (includes Multi-Family)	
One (1) to five (5) units	\$460.00
Six (6) to twenty (20) units	\$460.00
Plus an additional \$25/unit above five (5) units	
Twenty-one (21) units and above.....	\$835.00
Plus an additional \$7.50/units above twenty (20) units	
b. Commercial/Industrial Subdivisions	
Zero (0) to three (3) acres	\$460.00
Plus an additional \$200/acre above Zero (0) acres	
Above three (3) acres.....	\$1,060.00
Plus an additional \$25.00/acre above three (3) acres	

26.09: FIREWORKS STAND (SEASONAL)..... \$3000.00

- 1) A City 15% Administration fee is included in the above stated zoning and review fees.
- 2) All fees apply to the initial submittal and one (1) resubmittal in response to initial review comments. Subsequent submittals beyond the first two (2) will be charged addition fees for the actual time and expenses of the City Engineer at the chargeout rates and fee schedule effective upon the date of subsequent reviews.
- 3) In addition to the fees herein, in order to maintain necessary funding of the Planning and Zoning Commission and its services, applicants for rezoning and conditional uses shall be charged for the actual publication and processing expenses, exceeding two hundred fifty dollars (\$250.00) incurred by the City in publishing legal notices and direct mail notifications for such application.

26.10: Building Permit Fee Schedule (see following sheet)

Building Plan Review and Permit Fees

Current Building Construction Costs (per ICC Building Safety Journal) to be Used

Group	Building Classification	Type of Construction								
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
		(\$/sf)	(\$/sf)	(\$/sf)	(\$/sf)	(\$/sf)	(\$/sf)	(\$/sf)	(\$/sf)	(\$/sf)
A-1	Assembly, theaters, with stage	\$190.99	\$184.82	\$180.21	\$172.74	\$160.21	\$159.43	\$167.13	\$148.15	\$142.63
	Assembly, theaters, without stage	\$176.23	\$170.05	\$165.44	\$157.97	\$145.44	\$144.66	\$152.37	\$133.39	\$127.86
A-2	Assembly, nightclubs	\$147.10	\$142.97	\$139.34	\$133.91	\$124.28	\$124.03	\$129.21	\$114.30	\$110.46
A-2	Assembly, restaurant, bars, banquet	\$146.10	\$141.97	\$137.34	\$132.91	\$122.28	\$123.03	\$128.21	\$112.30	\$109.46
A-3	Assembly, churches	\$176.78	\$170.61	\$165.99	\$158.53	\$145.96	\$145.18	\$152.92	\$133.90	\$128.38
A-3	Assembly, general, community halls, libraries, museums	\$150.51	\$144.34	\$138.73	\$132.26	\$118.68	\$118.90	\$126.65	\$106.63	\$102.10
A-4	Assembly, arenas	\$175.23	\$169.05	\$163.44	\$156.97	\$143.44	\$143.66	\$151.37	\$131.39	\$126.86
B	Business	\$152.75	\$147.34	\$142.69	\$136.02	\$121.77	\$120.96	\$130.77	\$108.80	\$104.41
E	Educational	\$163.27	\$157.77	\$153.29	\$146.61	\$135.26	\$132.07	\$141.77	\$120.94	\$116.86
F-1	Factory and Industrial, moderate hazard	\$90.96	\$86.79	\$82.13	\$79.44	\$68.74	\$69.66	\$76.24	\$58.56	\$55.46
F-2	Factory and Industrial, low hazard	\$90.96	\$86.79	\$82.13	\$79.44	\$68.74	\$69.66	\$76.24	\$58.56	\$55.46
H-1	High Hazard, explosives	\$85.25	\$81.08	\$77.72	\$73.73	\$64.21	\$64.13	\$70.53	\$54.03	N.P.
H234	High Hazard	\$85.25	\$81.08	\$77.72	\$73.73	\$64.21	\$64.13	\$70.53	\$54.03	\$49.93
H-5	HPM	\$152.75	\$147.34	\$142.69	\$136.02	\$121.77	\$120.96	\$130.77	\$108.80	\$104.41
I-1	Institutional, supervised environment	\$149.29	\$144.18	\$140.32	\$134.63	\$123.81	\$123.77	\$135.88	\$113.81	\$109.35
I-2	Institutional, hospitals	\$253.93	\$248.52	\$243.87	\$237.20	\$222.34	N.P.	\$231.95	\$209.39	N.P.
I-2	Institutional, nursing homes	\$177.55	\$172.14	\$167.49	\$160.82	\$147.00	N.P.	\$155.58	\$134.05	N.P.
I-3	Institutional, restrained	\$173.39	\$167.98	\$163.32	\$156.66	\$143.67	\$141.88	\$151.41	\$130.72	\$124.33
I-4	Institutional, day care facilities	\$149.29	\$144.18	\$140.32	\$134.63	\$123.81	\$123.77	\$135.88	\$113.81	\$109.35
M	Mercantile	\$109.31	\$105.19	\$100.56	\$96.13	\$86.08	\$86.83	\$91.43	\$76.10	\$73.26
R-1	Residential, hotels	\$151.18	\$146.06	\$142.20	\$136.51	\$125.47	\$125.42	\$137.53	\$115.46	\$111.01
R-2	Residential, multiple family	\$126.78	\$121.67	\$117.81	\$112.12	\$101.20	\$101.15	\$113.26	\$91.19	\$86.73
R-3	Residential, one and two family	\$120.93	\$117.62	\$114.74	\$111.60	\$106.42	\$106.16	\$109.71	\$100.76	\$94.99
R-4	Residential, care/assisted living facilities	\$149.29	\$144.18	\$140.32	\$134.63	\$123.81	\$123.77	\$135.88	\$113.81	\$109.35
S-1	Storage, moderate hazard	\$84.25	\$80.08	\$75.42	\$72.73	\$62.21	\$63.13	\$69.53	\$52.03	\$48.93
S-2	Storage, low hazard	\$83.25	\$79.08	\$75.42	\$72.73	\$62.21	\$63.13	\$69.53	\$52.03	\$48.93
U	Utility, miscellaneous	\$64.30	\$60.80	\$57.19	\$54.31	\$47.22	\$47.22	\$50.70	\$38.76	\$36.91

Private Garages use Utility, miscellaneous
 Unfinished basements (all use groups) = \$15.00/sf
 For shell only buildings deduct 20 percent
 N.P. = not permitted

Plan Review Fee = (square feet of improvent/construction type) x (unit cost of construction type (sf)) x 0.0015)

Permit Fee = (square feet of improvent/construction type) x (unit cost of construction type (sf)) x 0.0040)

ARTICLE 27

LEGAL PROVISION CONFLICTS

27.01 Purpose

In case of conflict between this Ordinance or any part thereof, and the whole or part of any other existing or future Ordinance, the more restrictive in each case shall apply.

27.02 Severability Clause

The provisions of this ordinance are severable, and if any provisions, or part thereof, shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this ordinance.

27.03 Conflicts

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This Ordinance specifically repeals Ordinance Numbered 41 of the City of St. Paul, Missouri and all Ordinances amending said ordinances relating to the zoning and subdivision regulations but excluding the following:

<u>Ordinance Number</u>	<u>Description</u>
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27.04 Effective

This ordinance shall take effect and be in full force and effect on and after its final passage and approval.

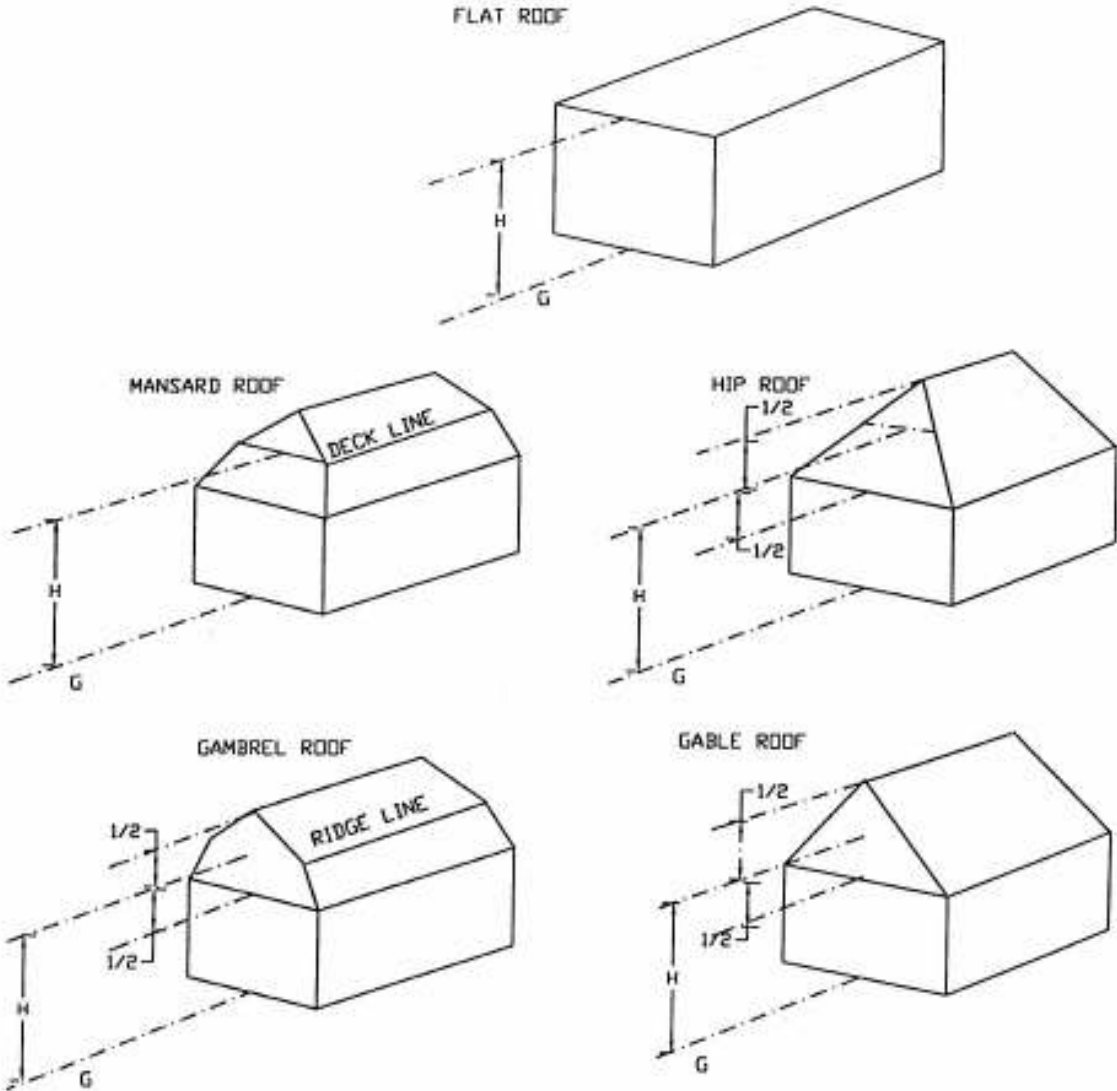
Read three times and passes this _____ day of _____, 2008.

Mayor

City of St. Paul, Missouri Clerk

FIGURE 1

ILLUSTRATION OF ROOF LINE



LEGEND
H=HEIGHT OF BUILDING
G=GRADE

FIGURE 2

STANDARD SIGHT TRIANGLE

