THE ZONING ORDINANCE OF THE CITY OF LADUE, MISSOURI

Ordinance 1175, As Amended Through August 2017

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ORDINANCE 1175, WITH AMENDMENTS THROUGH AUGUST 21, 2017

This book contains a retyping of Ordinance 1175, with amendments through August 2017, (Ordinance 2164), entitled "The Zoning Ordinance of the City of Ladue, St. Louis County, Missouri". All amendments are included in their appropriate places in the body of the ordinance. Where a number appears in brackets at the end of a paragraph, it denotes the ordinance number by which this portion was amended. Because the Zoning Ordinance represents a continuous effort by City officials and their planning consultants to meet the needs designated by the city's comprehensive plan, the preamble to Ordinance 1175 is included and remains an integral part of the Zoning Ordinance.

PREAMBLE TO ORDINANCE 1175

WHEREAS, on the 2lst day of November, 1938, the Council of the City of Ladue passed and adopted a Zoning Ordinance, being Ordinance #96 of the City; and,

WHEREAS, the said Zoning Ordinance was subsequently amended from time to time and was amended and re-codified into a single Ordinance #917 on April 3rd, 1967; and,

WHEREAS, at the request of the City Council, the City's Zoning and Planning Commission, with the assistance of planning consultants, has conducted a comprehensive survey and study of the zoning that presently exists in the City and of the City's foreseeable future needs with respect to zoning and with respect to proper and appropriate zoning of all of the land in the City, and the City's Zoning and Planning Commission has filed its written report with the City Clerk recommending that the City's comprehensive zoning plan, as reflected by the City's earlier Zoning Ordinances and the Amendments thereto, be continued and carried forward and recodified into a single ordinance containing appropriate changes which generally continue the City's basic plan of zoning as reflected by all of the Zoning Ordinances which it has heretofore enacted; and,

WHEREAS, a public hearing was held by the Council of the City on the 27th day of October, 1977, at the hour of 7:30 p.m. at the City Hall after publication in the St. Louis Countian, a paper of general circulation in the City of Ladue, of 15 days notice of the time and place of said hearing, at which hearing all persons who presented themselves and desired to be heard in connection therewith were heard; and,

WHEREAS, the Council has duly considered the entire subject matter, including the terms and provisions of its previously adopted Zoning Ordinances, the Amendments thereto, the advice and recommendations of its plan consultants and of its Zoning and Planning Commission, and the wishes expressed by persons appearing at the public hearing, and as the result thereof has concluded to adopt this Zoning Ordinance and repeal Ordinance No. 917, the previously existing zoning ordinances, and all ordinances amending Ordinance 917;

SECTION I. DISTRICTS AND BOUNDARIES

A. Districts.

The City of Ladue is hereby divided into the following districts:

A - Residential District
B - Residential District
C - Residential District
D - Residential District
E - Residential District
E-1 – Residential District
F - Flood Plain District
G - Commercial District
H - Light Industrial District

[Ord 1895]

B. District Boundaries

(1) The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "Ladue Zoning District Map" dated July 25, 1977. The district map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the City Clerk of the City of Ladue, Missouri.

(2) Whenever any street, alley or other public way is vacated by official action of the City Council of the City of Ladue, Missouri, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, unless such vacation ordinance provides otherwise, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(3) All territory which may hereafter be annexed to the City of Ladue, Missouri, shall automatically be placed in the most restrictive Residential District until otherwise changed by ordinance.

SECTION II. GENERAL PROVISIONS

A. Except as hereinafter otherwise provided:

(1) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used other than for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered other than in conformity with the height regulations of the district in which the building is located.

(3) No building shall be erected, converted, enlarged, reconstructed or structurally altered other than in conformity with the lot area and yard regulations of the district in which the building is located, except as specifically provided for in Section IV – D. [Ord. 1802].

(4) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot.

(5) No building shall be erected or structurally altered hereafter other than in conformity with the off-street parking and loading regulations of this ordinance.

(6) No vehicle whether automotive, a trailer, mobile home, or similar item shall be used as a structure other than in conformity with the regulations of this ordinance.

(7) Clearing, grading, excavating, filling, paving, removal of topsoil, changes in grade, and any other land disturbance activities on a property shall take place only in compliance with Section 110, Article IV of the Ladue Code of Ordinances. Such activities may not take place on the property without a primary structure on the property, an active permit for a primary structure, or other permitted use. *[Ord. 2148]*

(8) No building or structure shall be changed, erected, altered, enlarged, or reconstructed without a permit as required by this ordinance. *[Ord. 1595]*

(9) No building or structure occupying or proposed to occupy a parcel larger than two (2) acres located in the G-Commercial District or H-Light Industrial District shall be erected, converted, enlarged, reconstructed, or structurally altered until a Site Development Plan has been approved pursuant to Section VIII of this ordinance. *[Ord. 1531, Ord. 1595]*

(10) The only uses permitted within the City of Ladue are those specifically listed in this Zoning Ordinance. Notwithstanding, the following uses are expressly prohibited within any Zoning district *(Ord. 2164)*:

(a) Multiple-family dwellings and condominiums
(b) Multi-level parking structures
(c) Automotive sales
(d) Drive-through auto washing facilities
(e) Funeral homes
(f) Massage parlors
(g) Commercial pool parlors and game rooms
(h) Nursing homes
(i) Hospitals
(j) Motels
(k) Short-term rentals

SECTION III. DISTRICT REGULATIONS

A. District Use Regulations

In the following established districts, a building or premises shall be used only for the following purposes.

(1) A, B, C, D, E, and E-1 Residential Districts

(a) Single family dwelling, not exceeding 15,000 square feet in area under roof. *[Ord. 1696]*
(b) Accessory buildings, structures or uses as provided in Section IV. *[Ord. 1595]*
(c) Fences, as provided in Section IV.

[Ord. 1895]

(2) F-Flood Plain District

The regulations for the Flood Plain District are set forth in Ordinances No. 1149 and 1150 adopted June 21, 1976. No building shall be erected, reconstructed, structurally altered or changed within the Flood Plain District except in accordance with the provisions of the Flood Plain Ordinance. *[Editor's Note: Current Ordinance 1468, as amended by Ord. 1536 and Ord. 1595, govern.]*

(3) G-Commercial District

Permitted Uses

(a) Bank, trust company or savings and loan company, but not including drive-in facilities.
(b) Barber shop or beauty parlor.
(c) Office, including medical and dental.
(d) Public parks.
(e) Restaurant, but not including drive-in restaurants, restaurants serving liquor by the drink or restaurants with seating areas open to the outdoors, whether covered or uncovered. *[Ord. 1637]*
(f) Store or shop for the conduct of retail business, other than automotive sales.
(g) Accessory building or uses including required parking lots. *[Ord. 1595]*
(h) Not more than 40 percent of the total floor area of any building or group of buildings on a lot used for any of the above uses shall be devoted to storage purposes. The half story or any space above the second story of any building shall not be used for storage or for any other activity. Limited outdoor storage and display of merchandise shall be allowed according to the following subsection entitled "Outdoor Display of Materials." *[Ord. 1595, 1649, 2159]*

Outdoor Display of Merchandise

Purpose:

The purpose of this subsection is to provide reasonable limits on the outdoor display of merchandise in conjunction with a legally operating business. The outdoor display of merchandise is permitted in commercial areas in order to assist the activities of the business, but will be limited so as to not create a public health or safety hazard or a public nuisance.

Standards:

1. Outdoor display of merchandise shall only be permitted in conjunction with an existing permitted use in the G Commercial zoning district and limited to the premises of the business. Business must have an approved Occupancy Permit from the City of Ladue and an established business license in good standing with the City.

2. Display items shall be limited to merchandise sold by the business or decorative items which relate to or complement the business.

3. Outdoor merchandise displays shall be maintained in an orderly and attractive manner at all times.

4. Vendors may place one (1) individual sign on each merchandise display fixture with such signs not to exceed one (1) square foot per sign. The placement of larger temporary signage or banners may be allowed with a sign permit acquired according to Section X of the Zoning Ordinance.

5. Outdoor merchandise displays shall not create excessive visual clutter nor shall they be used to distract motorists. The full list of prohibited signage/decorations is listed in Section 130-7 of the Ladue Code of Ordinances.

6. No sound or music amplification device shall be operated in conjunction with outdoor merchandise displays.

7. No additional outdoor lighting shall be allowed in conjunction with outdoor merchandise displays.

8. Outdoor merchandise displays shall not take place within an area required for vehicular circulation, loading areas, emergency vehicle access, or public rights-of-way.

9. Under no circumstance shall an outdoor merchandise display impede the required visibility for pedestrian or vehicular traffic.

10. Unobstructed access shall be provided to all building entrances including at least a 2-foot linear clearance on each side of the building entrance.

11. An unobstructed path at least three (3) feet wide shall be maintained through the display area at all times.

12. Furniture, fixtures, and other equipment shall not be permanently anchored to the sidewalk nor shall they be attached or affixed to any tree, post, sign, or other structure. All outdoor display fixtures shall be taken indoors at close of business.

13. Outdoor display fixtures shall not exceed five (5) feet in height.

14. Outdoor displays shall not be located in any parking spaces.

15. All sales transactions shall take place within the store.

16. Any outdoor merchandise display not meeting these standards shall be in violation of the Ladue Zoning Ordinance and must be removed. (Ord. 2159 added "Outdoor Display of Merchandise Section")

Access Requirements

All developed parcels shall provide an interior drive with a minimum width of 20 feet. Parking lots shall provide for the efficient circulation of vehicles by minimizing backing movements. Parcels of land shall be permitted one driveway opening per street frontage, but additional driveway openings may be approved through a Site Development Plan provided there is a minimum of one hundred (100) feet of frontage for each driveway opening. Driveway openings shall not exceed thirty (30) feet in width unless a wider opening is specifically approved in a Site Development Plan. All roads and drives shall be paved with hard surface material meeting specifications of the City of Ladue. Curb and gutters shall be provided along all roads and drives that do not abut parking spaces. All parking areas shall be edged with curb and gutter. Surface or underground storm drainage facilities shall be provided for all roads and drives and parking areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. *[Ord. 1531]*

Site Design Requirements:

(a) A planting strip of 10 feet shall be provided within the required 40-foot front yard. In addition all parking areas shall contain a landscaped area equal to ten percent of the required parking spaces which areas shall contain trees, shrubs, ground cover or grass. All other parts of a lot not used for buildings or other structures for parking, loading or access ways, shall be suitably landscaped.

(b) Where any parcel within the G-Commercial District abuts any residential district, a 10-foot wide landscaped buffer shall be provided along all property lines of the parcel where it abuts a residential district.

(c) Sidewalks shall be provided along the front property line on the property or on the street right-of-way between the property line and the edge of the street paving or curb; the location and design to be approved by the Building Commissioner. This requirement can be waived if the City Council finds a sidewalk would be inappropriate in the location.

(d) All parking areas and walkways shall be illuminated by not less than one foot-candle of illumination. All exterior lighting shall be erected so as not to create more than one-half (1/2) foot-candle of light or direct objectionable light onto adjacent residential districts. Lighting fixtures shall not exceed sixteen (16) feet in height unless specifically permitted in an approved Site Development Plan or by a Special Use Permit issued by the City Council. No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor shall any beacon lights be permitted. All lighting shall be served with underground cable. *[Ord. 1595, 1637]*

(e) Any parcel larger than two (2) acres being developed or redeveloped within the G - Commercial District must have an approved Site Development Plan in compliance with the review procedure and requirements of Section VIII. *[Ord. 1531, Ord. 1595]*

(4) H - Light Industrial District

Permitted Uses

(a) Any use permitted in the G - Commercial District. All permitted uses shall comply with the access and site design requirements as set forth in the G - Commercial District.
(b) Any light manufacturing plant or establishment which does not constitute a nuisance due to the emission of noise, odor, dust, gas, smoke, vibration or otherwise.
(c) All storage of products or materials shall be completely enclosed in a building, except as may be allowed under a Special Use Permit.

Access and Site Design Requirements *[Ord. 1531]*

(a) All developments in the H - Light Industrial District shall be subject to the access and site design requirements set out in Section III-A-(3) for commercial developments.
(b) Any parcel larger than two (2) acres being developed or redeveloped within the H - Light Industrial District must have an approved Site Development Plan in compliance with review procedures and requirements of Section VIII. *[Ord. 1595]*

SECTION IV. ADDITIONAL USE REGULATIONS

A. Accessory Buildings, Structures and Uses

Subject to all other provisions of this ordinance not in conflict with this subsection A, the following accessory buildings, structures and uses are permitted:

(1) Accessory Buildings and Structures in the Residential Districts

(a) A private non-commercial greenhouse that does not exceed in floor area 25 percent of the ground floor area of the main building.

(b) A structure or part thereof used only as a private garage for the housing of vehicles and trailers and with a floor area not to exceed 800 square feet; however, said structure may exceed 800 square feet if located upon a lot containing an area of more than one acre and there is an average of one-half additional acre of lot area for each 200 square feet of floor area over and above the 800 square feet.

(c) A structure used as a private stable with stalls for two horses in the A, B, and C Districts, provided it is located upon a lot containing an area of not less than one and eight-tenths acres. One additional stall may be provided for each additional acre of lot area above the 1.8 acres.

(d) Tennis court, swimming pool, garden house, pergola, tool shed and similar structures customarily accessory to residential uses.

(e) The total area of all accessory buildings shall not exceed the floor area of the main building in a residence district.

(f) Night lighting, either within or connected to the main building or an accessory building or structure, or any separate outdoor lighting fixture shall be shielded and shaded, shall not direct light on to other residential properties and shall not create more than one-half (1/2) foot-candle of illumination at any property boundary within or abutting a residential zoning district. Freestanding lighting fixtures shall not exceed sixteen (16) feet in height unless specifically permitted by an approved Site

Development Plan or by a Special Use Permit issued by the City Council. No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor shall any beacon lights be permitted. With the exception of tennis courts serving private clubs, schools or other institutional uses authorized by Special Use Permit, the lighting of any tennis court located on residential property within any Residential District is expressly prohibited. *[Ord. 1595, 1620, 1637]*

(g) Accessory Antennae, as defined in Section XIV, shall be allowed as an accessory use in any residential district provided that such antennae do not exceed 35 feet in height as measured from the ground. If any such accessory antenna is used for transmitting, the owner shall install anti-interference equipment.*[Ord. 1698]*

(h) Satellite Dish Antennae, as defined in Section XIV, shall be allowed as an accessory use in any residential district provided that such antennae are one meter or less in diameter and not erected higher than *35* feet above the ground. *[Ord. 1698]*

(i) Accessory buildings and structures in the E-1 District shall be limited to a height not to exceed 15 feet. [Ord. 1895]

(2) <u>Accessory Uses in the Residential Districts</u> *[Ord. 1595]*

(a) Uses customarily accessory to residential uses.
(b) Living accommodations for persons employed for domestic or related services and living on the premises.
(c) Home Occupations as defined herein.
(d) Raising and keeping of small animals and fowl, but not on a commercial basis.

(3) Accessory Buildings, Structures and Uses in the G - Commercial and H - Industrial Districts:

(a) Buildings other than the main building may be erected and used for uses permitted in the District.
(b) No trailer shall be parked overnight on the premises of a filling station. *[Ord. 1595]*
(c) Satellite Dish Antennae, as defined in Section XIV, shall be allowed as an accessory use in any commercial or industrial district provided that such antennae are two meters or less in diameter. Any satellite dish antenna that is larger than two meters in diameter shall be considered a communication antenna, as defined in Section XIV, and regulated as a special use.

(4) There shall be the following additional regulations for accessory buildings and structures: *[Ord. 1637]*

(a) In the residential districts, no accessory building or structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building or structure shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.

(b) An accessory building or other roofed structure shall not exceed 650 square feet in the C, D, or E District, except on lots of 1.8 acres or greater, nor shall accessory build-

ings or structures occupy more than 30 percent of a rear yard or 25 percent of any side yard, and in the E-1 District more than 25% of one side yard. [Ord. 1895]

(c) No accessory building or structure may be erected in a front yard on a lot with single frontage, or in either front yard of a corner lot, except driveways, side-walks, fences, permitted retaining walls and waterway stabilization walls and additional parking as permitted by Section V-C-(1)-(b). Within the front yard, but not the required front yard, accessory structures are permitted with the exception of swimming pools, tennis courts, play apparatus, and roofed structures. (Ord. 1752; Ord. 1889)

(d) An accessory building or structure shall not be used for dwelling purposes, except by members of the family, as defined by Section XIV, or by persons employed for domestic or related services to a resident of the main building. An accessory building or structure shall not be used as rental property. *[Ord. 1595] (Ord. 2164)*

(e) No vehicle whether automotive or a trailer, mobile home or similar item, whether supported by wheels or with wheels removed, shall be kept or used in this city for temporary or permanent living purposes or for temporary or permanent storage, processing or treatment of machinery, equipment, merchandise or commodities of any type, on any lot or tract of land within the City of Ladue except a vehicle may be used temporarily for office or administrative purposes in connection with building, road, sewer, or utility construction, but must be removed immediately upon completion of the project.

(f) Portable storage units (PSUs), as defined in Section XIV, may be placed on private property with an approved permit. PSUs may be placed on private property for a period of five (5) calendar days. PSUs may be so placed on two separate occasions within any twelve-month period. PSUs must be placed on concrete, asphalt or other paved surfaces only, and not within a required front or side yard. They must not be placed on the street or on sidewalks. This section does not apply to other types of storage units such as construction trailers, which are regulated elsewhere in this section. [Ord. 1917]

(g) All fuel storage tanks shall be placed under ground except as may be allowed above ground in the Light Industrial District under the City of Ladue Building Code. *[Ord. 1595],* [Ord. 1917]

B. Sign Regulations

Signs are permitted in the zoning districts in accordance with the provisions of Chapter 35 of the City of Ladue Code of Ordinances relating to signs and in accordance with Section X of this zoning ordinance. *[Ord. 1662]*

C. Fence Regulations

(1) Fences in required front yards or required yards abutting a street or private road shall comply with the following:

(a) Except as specifically allowed in other paragraphs of this Section IV. C. (1), fences in any front yard or in any required side or rear yard abutting a street shall not exceed 42 inches in height, as measured from the topmost point thereof to the ground adjacent to the fence. At least 40 percent of the area of said fence shall be open as viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be reasonably dispersed through-

out the entire area of the fence, except that solid stone, or brick, walls not exceeding 36 inches in height are permitted. Fences shall be located no closer than six inches to any street right-of-way line or private road right-of-way line. {Ord. 2063}

(b) Fences in yards that abut Interstate Highways may be erected to heights of eight feet, provided that such fences are constructed of stone, brick, concrete block with stucco finish, wrought iron, wood or similar materials, except that plywood fences are not allowed;

(c) On double frontage or corner lots in residential districts, fences in required yards that abut Clayton Road, Conway Road, Dielman Road, Ladue Road, Lindbergh Boulevard, McKnight Road, Price Road, and Warson Road may be erected to heights of six feet, as measured from the topmost point thereof to the ground adjacent to the fence, when all of the following conditions are met:

(i) the primary front yard abuts a private road;

(ii) such fences are located no closer than six feet to any street right-of-way line;

(iii) the street side of such fence shall have landscaping consisting of a hedge, shrubbery with individual plants placed not more than five feet on center, evergreen shrubs and trees placed not more than ten feet on center, or a combination thereof, provided that all evergreen shrubs and trees are at least six feet in height and all other plant material is at least four feet in height at the time of planting, and not less than 75% of the plant material shall be evergreen shrubs or trees. The City encourages the use of evergreen shrubs, trees and other plants that have moderate lateral growth, and vertical growth that will not interfere with overhead utilities.

(iv) such fences are constructed of stone, brick, concrete block with stucco finish, wrought iron, wood or similar materials except that plywood fences are not allowed;

(v) no part of such fence exceeding 36 inches in height, as measured from the topmost point thereof to the ground adjacent to the fence, is located within 30 feet of the intersection of two or more streets.

(vi) The fence and all plantings shall comply with all city ordinances regarding site obstructions at intersections.

(vii) The property owner will be responsible for maintaining any landscaping required by this section and the removal of any trash and any debris along the fence.

{(c) (i) – (vii) amended by Ord. 1919}

(2) Fences located within any required side or rear yard shall not exceed six feet in height, as measured from the topmost point thereof to the ground adjacent to the fence, and that the posts not exceed six feet, six inches, except as specifically permitted by another paragraph of this Section IV.C. No wire or steel mesh wire fencing or chain link fencing may be used in any manner as a part of the fence in any front, side or rear yard. {amended by Ord. 1784}; {Ord. 2063}

(3) Fences not located within any required yard shall not exceed six feet in height as measured from the topmost point thereof to the ground adjacent to the fence.

(4) Any fence placed upon an erected earth berm shall govern its height as measured from the grade adjacent to said earth berm. Any fence placed upon a retaining wall shall govern its height as measured from the highest ground adjacent to the retaining wall. Fences shall not be placed on top of earth berms or retaining walls in required front yards. {Ord. 1752}

(5) Fences enclosing swimming pools must comply with the requirements of Chapter 36 of the City's Code of Ordinances and can exceed the maximum limitations of this section so as to comply with Chapter 36, but for no other reasons.

(6) Open wire mesh fences surrounding tennis courts may be erected to a height of 12 feet, if such fences shall only enclose a regulation court area and standard apron areas.

(7) Fences enclosing an institution, a public park, schools, commercial or industrial property may consist of an open mesh fence not to exceed a height of six feet. The Board of Adjustment may authorize fences of other types for these uses in excess of six feet for the purposes of the facility or for appropriate screening.

(8) The Zoning Board of Adjustment, upon application, shall have discretion to permit solid or open fences up to 6-feet in height to be erected in any required front yard where said yard abuts a major thoroughfare, whenever the Board considers that such action is reasonable (and) necessary for the protection of the property of the applicant and without significant prejudices to other property in the area. The Zoning Board of Adjustment may permit the variation of the fence requirements in any district where there are practical difficulties or unusual hardships in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions. *[Ord. 1379]*

(9) A permit shall be required to erect a new fence or to reconstruct, replace or repair all or a portion of any existing fence. The permit application shall be accompanied by a site plan indicating the location, lineal dimensions of the existing or proposed fence, fence height, and a photograph or drawing of the proposed improvements. The application shall be signed by the owner. Inspection of the work will be performed by the city and the owner or the owner's agent shall advise the Building Inspector not less than two working days before commencement of work, after initial work begins and after work is completed. *[Ord. 1595]*

(10) For stockade and similar type fences, the finished side of the fence shall face outward and all structural or supporting members of the fence must be constructed to be within or toward the area to be enclosed.

(11) No barbed wire, razor wire or similar material, chain link fencing, nor any electrical elements or other hazardous materials shall be maintained as a fence or part of a fence or wall. Invisible fences designed to contain dogs or other domestic animals may be installed underground in any part of a yard when such fences are not a hazard to humans. {Ord. 2063}

(12) In the Residential Zoning Districts, fences located within any required side or rear yard may exceed six feet as follows:

(a) Fences located within any required side or rear yard that abuts any non-residentially zoned land (lands in the G or H districts) within the City of Ladue may be erected to a maximum height of eight feet, as measured from the topmost point thereof to the ground adjacent to the fence, provided that such fences are constructed of stone, brick, concrete block with stucco finish, wrought iron, wood or similar materials except that plywood fences are not allowed.

(b) Fences located within any required side or rear yard that abuts any land in another municipality that is not zoned single-family may be erected to a maximum height of eight feet, as measured from the topmost point thereof to the ground adjacent to the fence, provided that such fences are constructed of stone, brick, concrete block with stucco finish, wrought iron, wood or similar materials except that plywood fences are not allowed.

(13) Fences erected prior to the effective date of this ordinance which do not conform to the provisions of this ordinance shall be considered legal nonconforming structures. An existing fence may be maintained, repaired or structurally altered; however, no such repair or structural alteration shall create an additional nonconformity or increase the degree of nonconformity. In the event a fence is damaged or destroyed to the extent that the cost of restoration shall exceed 75% of the cost of a new fence, no repairs or reconstruction shall be made unless such restoration or construction shall thereafter conform to the regulations in this ordinance.

{sections (10) – (14) amended by Ord. 1784}

(14) Whenever a fence permit for erection, repair or replacement is requested for a property within a subdivision, the trustees of that subdivision must be notified of the project, and proof of the notification must be presented to the Building Official before any permit is granted. {amended by Ord. 2070}

D. Nonconforming Uses

(1) The lawful use of land existing on November 21, 1938, although such use does not conform to the provisions hereof, may be continued; but if such nonconforming use is discontinued, any use thereafter of the land shall conform with the provisions of the ordinance. *[Ord. 1595]*

(2) The lawful use of a building existing on November 21, 1938, may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use within the same or more restrictive zoning classification as the existing use, but such change cannot be made to a use for which a Special Use Permit would otherwise be required. If such nonconforming use is discontinued, any use thereafter of the building shall conform with the provisions of this ordinance. *[Ord. 1595]*

(3) The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed.

(4) Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than 75 percent of its reasonable value by fire, explosion or other casualty or act of God or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

(5) No land or building or portion thereof used in whole or in part for a nonconforming use which remain idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located.

(6) The lawful non-conforming status of a lot, parcel, building or structure, whether relating to use or site nonconformity, shall terminate upon the filing of a new plat for the division, subdivision or combination of such property, and the new plat and use of the land, building or structure must conform to the requirements of the ordinances then in effect. *[Ord. 1595]*

(7) Notwithstanding the provisions of paragraph D. (4) of this Section, a residential building, in use as a single-family residence within a residence zoning district, located on a legal nonconforming lot, may continue to be used as a single-family residence and may be enlarged provided the enlargement conforms to all set back, height and other regulations of this ordinance. If such residential building is partially or totally destroyed by fire, explosion, tornado, earthquake or other casualty or act of God, it may be restored to its original condition or replaced, and if replaced, such replacement building shall occupy and not exceed the original building's footprint. *[Ord. 1620]*

(8) Repairs, maintenance, improvements, conversion and structural alterations of nonconforming buildings housing conforming uses may be carried out, provided that such work does not increase the cubic content of the building, increase the height of the building, in anyway increase the degree of nonconformity, or create any new nonconformity. Moreover, additions may be made to nonconforming buildings housing conforming uses if the addition complies with all yard setback requirements and all other requirements of this ordinance. [Ord. 1802]

E. Earth Berm Regulations *[Ord. 1595]*

(1) Construction of an earth berm in any district requires a permit issued by the city. The permit application shall be signed by the owner and accompanied by a site plan indicating the exact location of the berm, the width, height and length of the berm, existing land contours and proposed contours.

(2) The height of the berm shall not exceed four (4) feet in a required front yard and six (6) feet in other required yards, and the slope of the berm shall not exceed one foot of vertical rise per three feet of horizontal distance (a maximum slope of 3:1).

(3) Construction of the berm shall comply with applicable portions of the zoning ordinance dealing with storm water runoff and, if located in a floodplain, shall comply with the provisions contained in Ordinance No. 1468.

(4) The berm shall be landscaped; its landscaping shall be maintained by the property owner and shall comply with the provisions of paragraphs (a) through (d) below.

(a) Grass or ground cover shall be installed on the berm. Proper siltation control shall be effected until such grass or ground cover is established.

(b) Trees or shrubs shall be planted on the berm. At least one-half of the plant material shall be evergreen trees or shrubs with the remaining plant material being deciduous. Evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall be not less than two inches in diameter measured one foot above the ground when planted.

(c) All plant material shall be maintained by mowing, trimming and removal of trash and debris on a regular basis. Dead plant material shall be removed and replaced annually.

(d) The construction, maintenance and landscaping of a berm shall not unreasonably interfere with traffic sight lines on an adjacent street or private road.

F. Retaining Wall and Waterway Stabilization Wall Regulations {Sec F added Ord. 1752}

(1) Use of retaining walls shall comply with the requirements of this Subsection F.

(2) Retaining walls in front yards may be erected to heights up to 36 inches provided they are setback at least six feet from any property line. (Ord. 1780)

(3) Retaining walls in required side and rear yards may be erected to heights up to 36 inches provided they are setback at least one-half the distance required for the principal building. Retaining walls located in side and rear yards and meeting or exceeding the setback required for the principal building may be erected to heights up to six feet.

(4) If two or more retaining walls are constructed in any yard, they must be separated by a minimum distance of 20 feet of horizontal space.

(5) In side and rear yards, no retaining wall shall have more than six feet of the height of its face exposed, and no retaining wall in such yards with a fence placed upon it shall have more than eight feet of the combined height of the faces of the retaining wall and fence exposed. The portion of such combined retaining wall and fence that exceeds six feet in height shall have at least 40 percent of the area open as viewed on any line perpendicular to the vertical plane of the fence and such open spaces must be reasonably dispersed throughout the entire area of the fence.

(6) Waterway stabilization walls may encroach into any required yard when necessary to brace the banks of a waterway provided that they do not extend more than 12 inches above grade.

(7) If a fence is required on a retaining wall to meet the minimum requirements of the city's building code and would not otherwise be allowed by the provisions of this Subsection F., such fence shall be permitted provided that at least 75 percent of the area of the fence is open as viewed on any line perpendicular to the vertical plane of the fence and such open spaces are reasonably dispersed throughout the entire area of

the fence. Such a fence shall also be limited to four feet in height unless a higher height is required by the city's building code.

(8) Retaining walls erected prior to February 12, 2001, which do not conform to the provisions of this ordinance shall be considered legal nonconforming structures. Any such retaining wall may be maintained, repaired, structurally altered or reconstructed, however, no such repair, structural alteration or reconstruction shall create an additional nonconformity or increase the degree of nonconformity. (section 8 added by Ord. 1780)

Note: Section IV- E was formerly entitled "Dish Antenna Regulations" as enacted via Ord. 1595. The regulations in Section IV – E were repealed by Ord. 1698. Sub-section F. – Earth Berm Regulations was re-numbered as Sub-section E as a result.

G. Entry Monuments. Driveway entry monuments and subdivision entry monuments shall be approved by the Architectural Board based on the following criteria.

(1) Driveway entry monuments may be erected adjacent to one or both sides of a driveway on any lot within a residential zoning district provided that such entry monument meets all of the following criteria:

(a) Driveway entry monuments shall be located no closer than six inches to any street right-of-way line or private road right-of-way line.

(b) Driveway entry monuments may be or may include columns not exceeding six feet in height, as measured from the topmost point thereof to the ground adjacent to the column provided that the column is not more than thirty-six (36) inches in width nor more than thirty-six (36) inches in depth (thirty-six inches square in plan view).

(c) The non-column portions of driveway entry monuments shall generally not exceed thirty-six (36) inches in height, as measured from the topmost point thereof to the ground adjacent to the entry monument except for portions sloping up to a column.

(d) Gates shall not be allowed as part of a driveway entry monument nor shall they be allowed to be erected or designed to be erected, across, over or adjacent to any driveway within a front yard or required front yard, whichever is most restrictive, except when the following conditions exist on the property: *{section (d) amended by Ord. 2018}*

(i) the residential building site is not less than three (3) acres and is directly accessed from Clayton Road, Litzsinger Road, South Warson Road, Old Warson Road, Ladue Road, South Price Road, N. Woodlawn Avenue, or South McKnight Road;

(ii) no portion of such gate shall exceed six (6) feet in height;

(iii) the entry monuments to which the gates are to be attached are at least 25 feet distant along the driveway from the right of way of the adjacent street;

(iv) the gate shall be at least 40 percent open as viewed on any line perpendicular to the vertical plane of the gate. Such open spaces must be reasonably dispersed throughout the entire area of the gate;

(v) the gate shall open inward towards the residence and away from the street;

(vi) the gate is illuminated at night so that vehicle drivers can see the gates from either side;

(vii) the gate shall be equipped with a coded access as specified by the Ladue Fire Department and other requirements as specified in City of Ladue Building and Fire Codes; and

(viii) no gate shall be erected without first having received approval from the Architectural Review Board and a building permit from the Ladue Building Department.

(2) Subdivision entry monuments may be erected adjacent to one or both sides of each street entrance to a subdivision within a residential zoning district provided that such subdivision entry monument meets all of the following criteria:

(a) Subdivision entry monuments may be located within a required front yard with the owner's permission, an easement established for the monument, or within a private road right-of-way if such private road is owned by the subdivision. Subdivision entry monuments shall be located no closer than six inches to any street right-of-way line

(b) Subdivision entry monuments may be or may include columns not exceeding ten feet in height, as measured from the topmost point thereof to the ground adjacent to the column provided that the column is not more than thirty-six (36) inches in width nor more than thirty-six (36) inches in depth (thirty-six inches square in plan view).

(c) The non-column portions of subdivision entry monuments shall generally not exceed thirty-six (36) inches in height, as measured from the topmost point thereof to the ground adjacent to the entry monument except for portions sloping up to a column.

(d) Gates are specifically discouraged, but a subdivision entry monument may include gates across a private road if such gates are specifically approved by the Zoning and Planning Commission.

{Section G was added by Ord. 1785}

H. Planned Unit Development Regulations {Section H was added by Ord. 2086}

(1) PURPOSE AND INTENT.

This section is intended to enable the creation of a Planned Unit Development (P.U.D.) District on properties with a minimum size of twelve (12) acres that abut a City border.

The purpose of the Planned Unit Development District overlay is to provide a means of achieving greater flexibility in development of land in a manner not possible in the underlying zoning district; to encourage development of downsized luxury housing; to encourage a more environmentally sustainable development; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development.

A Planned Unit Development District overlay is not a rezoning of the property; only those uses permitted in the underlying zoning classification shall be allowed in a Planned Unit Development District. Lot area, yard setbacks, lot frontage, lot width, and other requirements and regulations contained in the underlying zoning districts may be altered or amended as set forth in the authorized Planned Unit Development District. There shall be no increase in unit density in residentially zoned districts.

The City Council, upon receiving recommendations of the Zoning and Planning Commission, may by ordinance authorize a Planned Unit Development District when the proposed development, redevelopment or use of a specific tract of land warrants greater flexibility and control than is afforded under the general regulations of standard zoning districts. These Planned Unit Development regulations are not intended to alter the basic land use of the residential and commercial zoning districts or allow the development of incompatible land uses, either within the development or as the development relates to the general neighborhood. The standards contained in the following provisions and the related planned unit development ordinance shall be strictly adhered to by the applicant.

The City may, upon proper application, approve a planned unit development for a site of at least twelve (12) acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zoning requirements designed for conventional developments in order to obtain some or all of the following objectives:

(a) Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property;

(b) Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities and lighting;

(c) Combination and coordination of architectural styles, building forms and building relationships, possibly covering different phases within a single development project;

(d) Variation in the relationship of structures, open space and height of structures in developments intended as cohesive, unified projects;

(e) Use of design, landscape or architectural features to create a pleasing environment;

(f) Inclusion of special features;

(g) Functional and beneficial uses of open space areas;

(h) Preservation of natural features of a development site;

(i) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program;

(j) Elimination of deteriorated structures or incompatible uses through redevelopment and rehabilitation;

(k) Economic and rational development in relation to public services;

(l) Efficient and effective traffic circulation, both within and adjacent to the development site;

(m) Facilitated implementation of the recommendations of the Comprehensive Plan Update, where applicable.

(2) PUBLIC BENEFIT PERFORMANCE STANDARDS.

(a) Public benefit shall be provided as determined by the City Council, in consideration of the recommendation of the Zoning and Planning Commission. The public benefits to the City that are in-

tended to be derived from the approval of planned unit developments may include, but are not limited to:

(i) Provision of downsized luxury housing.

(ii) Provision for a cohesive phased development and minimization of environmental impact through improved overall site usage. Overall site usage may consider the sum of all bulk cut-and-fill required in the construction of the project. Improved overall site usage should result in more open space and reduced site coverage. Less intensive site usage can also reduce impacts on surrounding infrastructure including roads (lower projected traffic levels) and drainage systems.

(iii) Provision for an overall development density that has lower site impacts when compared to what would be allowable pursuant to the underlying zoning, by considering: increased permeable surface; increased area for on-site drainage; more open space including common ground; and reduced roof coverage. No increase in unit density from what would be allowable in any underlying residential zoning classification will be allowed.

(iv) Additional and substantial landscaping and green space provisions in order to buffer the development from neighboring residential areas.

(v) Garage entryways that by virtue of their location, materials and design blend with the architecture of the surrounding neighborhood.

(vi) Architectural elements consistent with the City's architectural guidelines as applied to residential developments of the size and scale proposed. .

(vii) Extensive use of high quality building materials on all elevations to add significant value to the property and benefit adjacent properties.

(viii) Variety of home design on adjacent lots, and on lots across from each other.

(ix) Special design features within the development such as landscaping and gardens.

(x) Provision of new public infrastructure including, but not limited to, streets, curbs, sidewalks, sanitary sewers, storm water sewers and lighting.

(3) RELATIONSHIP OF PLANNED UNIT DEVELOPMENT DISTRICTS TO THE ZONING MAP.

(a) An overlay: The "PUD" designation is intended to be attached to existing use districts as an overlay. It may impose changes to any aspect of the underlying district except increases in unit density.

(b) Plan approval required: No development or redevelopment of the property encompassed by the "PUD" designation shall take place until a specific acceptable development plan has been reviewed and approved in conformance with the requirements of this Section. Any pre-existing uses within the area encompassed by the "PUD" designation shall have the status of lawful nonconforming uses as outlined in Zoning Ordinance 1175, Section IV D, until such time as they are included in an approved development plan.

(4) PERMITTED USES.

Approval of permitted uses within a PUD district is subject to consideration as stated in the Purpose and Intent of the PUD regulations. The listing of permitted uses shall include all uses allowable pursuant to the underlying residential and commercial zoning classification.

(5) OVERALL DEVELOPMENT SIZE AND UNIT DENSITY.

The minimum overall site size of a planned unit development shall be at least twelve (12) acres. In order to determine the maximum number of units permissible for a residentially zoned site, consistency with the formula set forth in the Subdivision Code shall be maintained. The area calculated for the site after deductions made in accordance with the Subdivision Code, shall serve as the dividend (numerator) to be divided by the minimum lot size allowed for the particular underlying zoning classification. The quotient of this calculation, if not a whole number, shall be rounded down to the nearest whole number

(6) PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL.

(a) Application: An application in the form developed by the City for a planned unit development shall be filed with the nonrefundable PUD application fee of $2,000.00. The application shall specifically identify any/all conflicts with underlying zoning and why they are deemed to be necessary. A preliminary site plan shall be prepared and five (5) copies thereof shall be submitted to the City Clerk for staff review and comments. After the petitioner has received staff comments and made the appropriate revisions (if necessary) the petitioner shall then submit 18 copies of the preliminary plans for distribution to the Zoning and Planning Commission, City Staff and City Attorney. A digital copy of the plans shall also be submitted to the staff and shall be posted on the City's web site.

(b) Content of the Preliminary Development Plan: Adequate information shall be developed, procured and submitted by architects, engineers and surveyors duly registered in the State of Missouri and employed by the applicant to develop a preliminary development plan. The preliminary plan shall contain the following information:

(i) Site and landscape plan: One or a series of maps shall be submitted (minimum scale 1": 50') including the following information:

1. An outboundary plat;

2. Property lot lines and location, including dimensions, angles and size, and areas correlated with the legal description of said property. The site plan shall be designed and prepared by a registered Missouri professional engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s) and designer(s);

3. Scale, north arrow, boundary dimensions, all natural features such as wooded areas, streams, rivers, lakes, drains, existing manmade features such as buildings, structures, easements, 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 eighty-five (185) feet of the property lines and their existing uses;

4. Location, size, height and setbacks of all existing and proposed structures (including all buildings, trash enclosures, fences, etc.) on the site and specific structures to be removed;

5. Location and general design (width and materials) of all driveways, curb cuts and sidewalks, including connections to building entrances; as well as the location and nature of construction of all curbs and guttering;

6. Location, area, dimension and number of proposed parking spaces, and drive aisles, as appropriate;

7. Existing and proposed ground elevation contour lines at intervals of two (2) feet or less extended beyond the project site to include adjacent properties and structures;

8. Location and species type of all existing trees over six (6) inch caliper and, identification of those to be removed;

9. Proposed general use and development of common use spaces, including all recreational and open space areas, plazas and major landscaped areas, and the general location and description of all proposed outdoor furniture (seating, lighting, etc.);

10. Location and approximate size of all proposed plant material by species, such as hardwood/deciduous trees, evergreen trees, flowering trees, shrub masses, and types of ground cover (grass, ivies, etc.). All green areas, except wooded areas, shall be irrigated.

11. Location of all retaining walls, fences (including privacy fences etc.) and earth berms;

12. Definition and location of any refuse collection containers including screening to be provided; and

13. Provisions for both on-site and off-site storm water drainage and detention related to the proposed development.

14. The scale of the drawing or drawings indicating the above shall be reasonably related to the site size; the complexity of the proposed development plan shall be proportioned such that it is easily legible so that the Commission may readily interpret it. In no case shall the scale be smaller than 1" : 50'. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, property owner(s), a scale, a north arrow, and the date drawn.

(ii) Site and building sections: Schematic drawings shall be drawn to a scale of ¼" : 1' or larger, indicating both existing conditions and internal grade changes in relation to principal variations of internal building levels and sight line relations to adjacent residences.

(iii) Architectural elevations: Architectural elevations of proposed buildings shall be provided at a reasonable scale but at least ¼ " : 1', or larger.

(iv) The applicant may be required to provide, at its expense, additional clarification and/or further detail of the preliminary plan, as deemed necessary by the City or the Zoning and Planning Commission.

(v) Project data:

1. Site area (square feet and acres);

2. Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;

3. Total dwelling units and floor area.

4. Residential density distribution for the entire project; and

5. Calculations of parking spaces and area.

(vi) Project report: A brief project narrative shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership or contractual interest in the subject site, and anticipated development schedule. At the discretion of the Zoning and Planning Commission and/or City Council, analysis by qualified independent technical personnel or consultants selected and retained by the City may be required as to the traffic impact, environmental impact, storm water and erosion control, etc., of the proposed development. These analyses shall be paid for by applicant.

(vii) Phased development: If the planned development is proposed to be constructed in phases during a period extending beyond a single construction season, a development schedule shall be submitted indicating:

1. The approximate date when construction of each phase of the project can be expected to begin and be completed;

2. The order in which the project phases will be built; and

3. The minimum area and the approximate location of common ground and public improvements that will be completed during each phase; and

4. Any shared open space or public improvements that will not be constructed during the initial phase. Any such improvements shall be guaranteed to be completed within two years of the completion of the initial phase. The guarantee shall be in the form of an irrevocable letter of credit in an amount determined by the Building Official and issued by a federally insured financial institution. The letter of credit must be approved by the Ladue City Attorney.

(c) Review procedure for preliminary development plan.

(i) An application together with a complete preliminary development plan, including information as required in this Section shall be scheduled for presentation at the next available Zoning and Planning Commission meeting but not sooner than twenty-one (21) days from the filing of the completed application. Notices of the Zoning and Planning Commission meeting shall be sent to owners of record of all properties within one hundred eighty-five (185) feet of the parcel(s) included in the application.

(ii) Staff review: The City Clerk shall coordinate a review of the application by appropriate affected City departments to determine its compliance with all applicable ordinances and regulations. A concise written report documenting the review and staff recommendations shall be prepared by the Planning Consultant and submitted to the Zoning and Planning Commission at the meeting at which it first considers the application.

(iii) Architectural Review Board: To facilitate the review of the preliminary development plan, the Architectural Review Board shall perform its duties pursuant to Sections 110-71 and 110-72 of the Code of Ordinances as part of the preliminary development plan review. At this stage, the exterior elevations and proposed materials shall be subject to review and approval by the Architectural Review Board. The Architectural Review Board will review the site suitability of each proposed house at the time of application for a building permit.

(iv) Review by a Missouri licensed landscape architect (ASLA) retained by the City at the applicant's expense to review the landscape and planting plan.

(v) After consideration of the application and staff report, the Zoning and Planning Commission shall make a report to the City Council regarding the impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general public health, safety and welfare of the City. If the Commission's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the Commission with respect to the preliminary development plan.

(vi) The City Council shall hold a public hearing thereon upon at least fifteen (15) days' public notice. If the preliminary development plan is approved by the City Council, it shall adopt an ordinance approving a Planned Unit Development District for said preliminary development plan with conditions specified therein. Conditions may include but not be limited to, parking requirements, setback and height requirements, landscaping and green space requirements, lighting requirements, permitted uses, signage, screening and buffering, special features, and stormwater discharge and drainage.

(d) Review procedure—final development plan:

(i) Within nine (9) months following the passage of the ordinance approving the preliminary development plan, the petitioner shall submit a final development plan to the Zoning and Planning Commission for its review and consideration to determine if said final development plan is in conformance with the approved preliminary development plan and with the imposed conditions of the planned development ordinance for the proposed development. The final development plan shall reflect the entire planned development if it is to be completed in one (1) phase or a minimum of the first phase of the planned development if it consists of more than one (1) phase. The final development plan, in addition to the matters shown on the preliminary development plan, shall include the following:

1. The existing and proposed ground elevation contour lines at two (2) foot intervals;

2. A landscape plan with the specific location of all plant material, specifying size, species and location (including any landscaped buffer area around the perimeter as well as landscaping in the parking lot). A land disturbance permit

or grading permit will not be issued until all trees to be retained on the site are identified and appropriately protected for preservation.

3. Nature of use;

4. All infrastructure improvements specifying location, size, elevation and design, none of which may significantly deviate from the approved development plan;

5. Sidewalks;

6. Parking facilities for visitors and employees;

7. Plan for the provision of water, sanitary and storm water drainage facilities;

8. All easements and dedications;

9. All other information that the Zoning and Planning Commission or the City Council may request, including where appropriate, information relating to parking, signage, lighting and trash disposal.

ii. An application together with a complete final development plan shall be considered at the next available Zoning and Planning Commission meeting.

iii. Staff review: During the time between the filing of a complete final development plan with the City Clerk and the next regularly scheduled Zoning and Planning Commission meeting, the Planning Consultant shall review the final development plan for compliance and provide a concise report to the Commission of the findings of his/her review. The Building Official shall establish the dollar amount of any bond required by the City to assure completion of the improvements.

iv. After consideration of the application and staff report, the Zoning and Planning Commission shall recommend approval, approval with conditions, or the denial of the final development plan. The final development plan shall conform to the planned unit development ordinance for the proposed development.

v. Upon the recommendation of the final development plan by the Zoning and Planning Commission, the final development plan shall be forwarded to the City Council for its approval or denial.

vi. Following approval of the final development plan by the City Council, a Mylar (recordable document meeting St. Louis County requirements for recording) shall be submitted to the City Clerk for review and signature confirming that the plan is the plan that was recommended by the City Council. The signed plan shall be recorded, at the applicant's expense, with the St. Louis County Recorder of Deeds. Two copies of the recorded plan shall be submitted to the City Clerk for permanent record with the City. Any bonds or letter of credit required to insure completion of required improvements or open space shall be completed and in place prior to recording of the final development plan.

vii. Issuance of residential building permits shall be subject to specific site approval by the Architectural Review Board.

(e) Amendments or changes to an approved development plan:

Should the City determine that an applicant has proposed significant changes to an already approved preliminary or final development plan, an application for amendment shall be submitted to the City Clerk who shall institute an administrative review by all affected City departments of the proposed amendments or changes.

A narrative summary of the proposed changes shall also be submitted. Notification of the proposed changes to the plan shall be sent to all property owners of record within one hundred eighty-five (185) feet of the parcel included in the application. This notification shall also include all property owners of record within the area subject to the approved development plan. The results of this review shall be compiled by the City Clerk and shall be reported to the Zoning and Planning Commission for its consideration at the next available meeting.

Upon receiving the application for proposed amendments or changes to the development plan and associated documents from the City Clerk, the Commission shall complete its review of the application either denying, approving or approving with conditions. The application, supplemental documents and the Commission's action and reasoning shall be forwarded to the City Council as an informational item where it shall be their option either to require a further review and approval of the proposed amendments or changes to the development plan at the City Council level, or concur with the Commission.

(7) PERIOD OF VALIDITY.

The period of validity of approval of a final development plan is as follows:

(a) Approval of a final development plan shall be valid for a period no longer than twenty-four (24) months from the date of approval unless, within such period a building permit, has been obtained and construction commenced.

(b) The City Council may grant extensions not exceeding six (6) months each upon written request of the original applicant as long as the project remains substantially the same as the initially approved final development plan. However, the City Council has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the procedural requirements of this Section, whereby it shall be considered an entirely new application.

(c) Should a request for extension of an approved final development plan contain substantial changes, as determined by the City Council, the Board shall require the applicant to re-file his/her application subject to the requirements of this Section as if it were an entirely new application.

{the above sections were added by Ord. 2086}

SECTION V. HEIGHT, AREA AND YARD REGULATIONS

A. Maximum Height Limits

Maximum number of stories and height limits for buildings and structures are as follows:

(1) Two and one-half stories. A maximum height allowance of 45' is possible, but the ultimate determination of height will be based on other project elements as defined in the City of Ladue, Missouri Architectural Design Guidelines, except in District E-1 which shall be limited to a height not to exceed 28 feet. [Ord. 1637, Ord. 1895, Ord. 1939].

(2) Certain architectural features on buildings, to wit parapet walls of not more than three feet in height, chimneys, ornamental architectural towers not used for occupancy, cupolas, domes, spires, and similar architectural features may be erected to reasonable heights exceeding the existing limitations on height of buildings specified in this Zoning Ordinance, as may be determined by the Architectural Board, but in no event shall any such features be permitted to exceed 45 feet in height or 10 feet above the roof or ridge line of the roof of a residential building, whichever height is lower. *[Ord. 1637]*

(3) The level of a building pad of a lot shall not be raised above the existing level of such lot by adding fill thereto for the purpose of artificially elevating the building to be erected thereon. *[Ord. 1649]*

(4) With respect to schools and churches allowed by Special Use Permits under Section VII of this Ordinance, the height limitations shall be two and one half stories and a total height not to exceed forty (40) feet, provided however that subject to the guidelines set out in Section VII the forty (40) foot height limitations may be increased by one (1) foot for each fifty (50) feet a church or school building is located away from all of its required set back lines, but the total of any allowed increase shall not exceed four (4) feet. *[Ord. 1680]*

(5) Communication towers, communication antennae, and stealth communication towers as each is defined in Section XIV., may exceed the height limitation specified in paragraph A. (1) of this Section based on the criteria contained in Section VII, Subsection E.

(6) The level of a front yard shall not be raised above the existing grade of such lot by adding fill thereto to elevate a fence, wall or the base of a berm to erected thereon. [Ord. 1752]

(7) For purposes of measuring building height and maximum number of stories, a level of a building constitutes a story if more than forty percent (40%) of any plane of the elevation of any level is exposed. [Ord. 1815]

B. Minimum Yard, Lot Area, Frontage and Lot Width Requirements [Ords. 1595, 1620, 1895]

(1) Required Yards (Setback) for Main Buildings, Required Minimum Lot Area, Required Minimum Frontage and Required Minimum Lot Widths in All Districts

District	Depth of Required Front Yard	Width of Required Side Yard	Depth of Required Rear Yard	Required Minimum Lot Area	Required Minimum Frontage	Required Minimum Lot Width
A	75 Ft.	50 Ft.	50 Ft.	3.0 Acre	150 Ft.	200 Ft.
B	50 Ft.	50 Ft.	50 Ft.	1.8 Acre	135 Ft.	180 Ft.
C	50 Ft.	(1)	30 Ft.	30,000 S.F.	90 Ft.	120 Ft.
D	40 Ft.	(2)	30 Ft.	15,000 S.F.	55 Ft.	75 Ft.
E E-1	40 Ft. 25 Ft.	10 Ft. 10 Ft.	30 Ft. 30 Ft.	10,000 S.F. 10,000 S.F.	50 Ft. 50 Ft.	70 Ft. 70 Ft.
F	NA	NA	NA	NA	NA	NA
G	40 Ft.	5 Ft. or none	30 Ft.	NA	75 Ft.	100 Ft.
H	40 Ft.	20 Ft.	30 Ft.	1.0 Acre	150 Ft.	200 Ft.

(1) 10 feet or 10 percent of lot width at the required front yard setback line, whichever is greater, need not exceed 20 feet.

(2) 10 feet or 10 percent of lot width at the required front yard setback line, whichever is greater, need not exceed 15 feet

(2) Required Yards (Setback) for Accessory Buildings and Structures in Residential Zoned Districts

District	Depth of Required Front Yard	Width of Required Side Yard	Depth of Required Rear Yard
A	75 Ft.	50 Ft.	50 Ft.
B	50 Ft.	50 Ft.	50 Ft.
C	50 Ft.	(1)	10 Ft.
D & E E-1	40 Ft. 25 Ft.	No accessory building or structure shall be located within 5 feet of any side or rear lot line except a structure permitted by Section V-C(1)(b).	

(1) 10 feet or 10% of lot width at the required front yard setback line, whichever is greater; need not exceed 20 feet.

(3) Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot.

As a supplement to the foregoing schedules of this Subsection B and to facilitate a better understanding thereof, and of yards, required yards and yard setback lines in general, a diagram entitled "Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot" is annexed to this Ordinance and hereby made a part hereof with the same force and effect as though fully set forth herein. Should there by any conflict between the text of this Ordinance and the information displayed in the Diagram, the text of the Ordinance shall prevail.

C: Additional Area Requirements

(1) The minimum yards, frontages and lot area requirements established above may be modified as follows:

Yards - General

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

(b) No main building, accessory building or structure shall be located in any part of a front yard, or in a required side or required rear yard of any lot in any residential district, except for permitted fences, permitted entry monuments, permitted retaining walls and waterway stabilization walls, driveways and sidewalks and except for parking spaces which are in addition to the number of parking spaces required for the building or use served on such lot as established in Section VI. C. (2). The total area of parking spaces, sidewalks and driveways in any residential district shall not exceed thirty (30) percent of the entire front yard and the portion of such area lying within the required front yard shall not exceed thirty (30) percent of the required front yard, with the remaining parts of the required front yard devoted entirely to landscaped area. *[Ord. 1595, 1637, 1661, 1752, 1785]*

(c) Open fireproof outside stairways and balconies projecting into a yard not more than three and one-half feet, and the ordinary projections of chimneys and flues may be permitted by the Building Commissioner where same are so placed as not to obstruct the light and ventilation.

(d) More than one industrial, commercial or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, and each building shall be separated from each other building on the lot by 24 feet or more; provided, however, that in cases of hardship, as defined in the Zoning Ordinance of the City of Ladue, the Zoning Board of Adjustment shall have authority to grant relief.

{Ord. 1751 renumbered e – l)

(e) Terraces, patios or decks which are higher than the natural grade of the lot may not extend into a required side or rear yard except in the D, E and E-1 districts, where they may extend a distance of five (5) feet. [Ord. 1649, Ord. 1895]

(f) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered except as allowed by Section IV-D-(7). *[Ord. 1637]*

(g) Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.

(h) The required front, rear and side yards for any building or structure of schools, libraries, churches, community buildings, and other public and semi-public use shall be not less than the setback required in the District in which the building, structure or use is located, and in no event shall such setback be less than twenty-five (25) feet in the C, D, E and E-1 Districts. A greater distance for a side or rear yard setback may be required for a use which is subject to the Special Use Regulations if the increased setback is deemed necessary by the Zoning and Planning Commission and by the City Council for the reasonable protection of the privacy and value of adjacent residential property. *[Ord. 1595, Ord. 1895]*

(i) If a portion of a lot is within more than one "yard" or "required yard" as defined in the Ordinance, the more restrictive regulation or setback distance shall apply to such portion of the lot. *[Ord. 1637]*

(j) All yards abutting a street shall be front yards except as specifically provided in this Section V. Yards abutting a limited access highway such as I-170 or U.S.40 (I-64) shall not be considered front yards. Such yards abutting a limited access highway shall be considered side or rear yards based on the provisions of this Section V. *[Ord. 1637]*

(k) On corner lots with two front yards, the rear yard shall be the yard opposite the front yard having the minimum lot frontage unless the orientation of an existing principal building on the corner lot clearly indicates otherwise. *[Ord. 1637]*

(l) For flag lots created prior to the effective date of this ordinance, the required front yard shall be measured from the closest parallel or nearly parallel lot line to the street. The required rear yard shall be measured from the furthest parallel or nearly parallel lot line to the street. Side yards shall be measured from lot lines which are perpendicular or approximately perpendicular to the street. *[Ord. 1637]*

(m) In the E-1 District, if deemed necessary by the Building Official for rear or side garage access, in lieu of a front yard garage, a driveway not to exceed ten (10) feet in width may be placed in one (1) side yard. In such a situation, the 25% maximum side yard coverage limit may be waived for one side yard. Additional paving or construction may take place in the rear yard up to the 30% maximum rear yard coverage limit. A separate rear or side yard garage shall not be allowed on a property in addition to a front access garage. [Ord. 2148]

(2) <u>Yards - Front</u>

(a) Required front yards shall be devoted entirely to landscaped area, except as allowed under Section V-C-(1)-(b).

(b) Where, on the effective date of this ordinance, 40 percent or more of a frontage on the same street, road or land within 500 feet of a lot was occupied by two or more

buildings, then the required front yard shall be not less than the average of the nearest building on each side; however, no such front yard shall be required to exceed the basic front yard requirement of the district by more than 50 percent and no front yard shall be less than the required yard.

(c) On double frontage lots, a front yard must be provided on both streets, unless the lot has legal access from only one frontage or unless such lot has three or more street frontages. If the lot has legal access to only one frontage, that frontage shall be considered the front yard and the yard abutting the non-accessible street shall be considered a rear yard. A lot with three or more frontages shall be considered a corner lot, shall provide two front yards, and the remaining yards shall be rear or side yards. *[Ord. 1649]*

(d) On corner lots, there must be a front yard on both streets. On corner lots that are lots of record, the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street side of such lot of at least five feet.

(e) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.

(f) On corner lots, the minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.

(g) No part of any building or any structure constructed above ground level hereafter erected or structurally altered shall be located within 110 feet of the center line of Lindbergh Boulevard, except for permitted signs. *[Ord. 1637]*

(3) Yards - Side

For lots in the G District, a side yard shall be required on lots that abut a residential district and shall be the same as the adjacent residential district. *[Ord. 1595]*

D. Exceptions to Lot Area

(1) Where a lot of record has less area than herein required in the district in which it is located, and was of record on November 21, 1938, or was of record when the area was subsequently annexed to the City of Ladue, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.

(2) Existing buildings that are in violation of lot area requirements may be remodeled or repaired, and may be enlarged or structurally altered but only if such enlargement or alteration is not in violation of the yard requirements.

E. Prohibition of Flag Lots. [Ord. 1637]

No new flag lots shall be created within the city after the effective date of this ordinance.

F. Buildable Area [Ord. 1895, Ord 1910]

(1) In the E1 District, in order to preserve its special character, the main building shall be limited to floor area ratios (FARs) shown in the following table:

Floor Area Ratios for Determining Maximum Residential Building Size In the E-1 District

Minimum Lot Size by District (s.f.) **Floor Area Ratio** **Max Area Under Roof**

	Lot Size	FAR	Max Allowable Area Under Roof
	< 7200	**0.42**	**3,024**
	7,201 - 8,000	**0.42**	**3,360**
	8,001 - 9,000	**0.42**	**3,780**
	> 9,000	**0.42**	**3,780 ***

* = MAY EXCEED WITH AN APPROVED SUP

District	Minimum green space required on each lot	Maximum extent of accessory structures and pavement per yard (Section IV. A (4), Section V. C)
A	80%	30% of front yard and rear yard, 25% of side yards
B	75%	30% of front yard and rear yard, 25% of side yards
C	65%	30% of front yard and rear yard, 25% of side yards
D	55%	30% of front yard and rear yard, 25% of side yards
E	40%	30% of front yard and rear yard, 25% of side yards
E-1	40%	30% of front yard and rear yard, 25% of side yard. (Coverage limits in one side yard may be waived in accordance with Section V.C.(1)(m))
G – Commercial	30% with a Site Development Plan (Section VIII E(b))	

G. Lot coverage restrictions

(1) Green Space requirements are shown in the following table:

(2) Green space shall include undisturbed natural areas, rain gardens, landscaped grass and gardens. Provided green space shall not include buildings, driveways, decks and patios, pools, sidewalks and paths (except stepping stone paths), or other permeable or impermeable pavement (sports courts, etc.), except as described in part (3) of this section.

(3) Partial Credits.

(a) Certain types of permeable pavement may be allowed to receive a partial credit for required green space. Further details can be found in the Ladue Stormwater Toolbox information page. Any types of pavement not mentioned in this subsection will not receive credit for green space. The following types of surfaces will receive credits, as indicated:

(1) Grass pavers may qualify for a 50% green space credit
(2) Gravel pavers may qualify for a 25% green space credit
(3) Porous/ permeable pavers may qualify for a 25% green space credit

This following table provides an example of how this credit would work.

Type of pavement	Proposed area (in square feet)	Percentage of area to be credited	Area to be considered green space
Grass pavers	500	50%	250
Gravel pavers	500	25%	125
Porous/permeable pavers	500	25%	125

(b) Once green space credit is granted, maintenance of these permeable surfaces is required to ensure the effective infiltration of water. Failure to maintain a green space-approved permeable surface, resulting in a substantial decrease of the infiltration of water is a violation of this ordinance. Each day the violation continues shall be a separate offense. Maintenance reports will be required periodically by the City. Contents of the report will be established by the Building Commissioner. [Ord. 2148]

SECTION VI. OFF-STREET PARKING AND LOADING REQUIREMENTS

A. Off-street Parking Requirements

(1) One-family dwelling - Two parking spaces.

(2) Private club - One parking space for each 400 square feet of floor area of the main building.

(3) Church or Temple - One parking space for each three seats in the main auditorium or one space for each 500 square feet of floor area, whichever is greater. If a church or temple has two auditoriums (such as a sanctuary and a chapel) which commonly are used simultaneously, the parking requirement shall be the provision of one parking space for each three seats in both auditoriums. *[Ord. 1620]*

(4) School - For high schools, colleges and universities, 10 spaces per classroom; for elementary schools, two parking spaces per classroom.

(5) Community center, library, museum, or similar public or semi-public building - One parking space for each 300 square feet of floor area in the building.

(6) Restaurants, taverns, cocktail lounges and any other establishment serving prepared food for consumption on or off the premises or selling liquor by the drink - parking shall be the greater of the following: *[Ord. 1637]*

(a) One parking space for each 100 square feet of floor area inside the building;

(b) One parking space for each 100 square feet of floor area inside the building plus one parking space for each 100 square feet of (1) any floor area of the building open to the outdoors, whether covered or uncovered and (2) any outdoor seating area located outside of the building anywhere on the premises; or

(c) One parking space for each 100 square feet of floor area inside the building plus one parking space for every four seats in: (1) any floor area of the building open to the outdoors, whether covered or uncovered, and (2) any outdoor seating area located outside of the building anywhere on the premises.

Bank, trust company, or savings and loan company - One space per 150 square feet of floor area plus 20 waiting spaces for the drive-in bank service window.

(7) Personal service establishments, including barber shops, beauty shops, reducing salons, dressmaking and tailoring - One space per 100 square feet of floor area.

(8) Retail store or shop and any other non-residential building, except those above specified - One parking space for each 200 square feet of floor area.

(9) Office building - One parking space for each 200 square feet of floor area in the building.

(10) A building occupied by members of the healing profession - One parking space for each 150 square feet of the gross area used for this purpose.

(11) Wholesale warehouse or similar establishment - One space for each 500 square feet of building floor area, with one space for each 15,000 square feet of outside storage area.

(12) Manufacturing or industrial establishment - Two parking spaces for every three employees on the maximum shift or one space for each 300 square feet of floor area, whichever is greater, plus space to accommodate all vehicles used in connection therewith.

B. <u>Rules for Computing Parking Spaces</u>

In computing the number of required off-street parking spaces, the following rules shall apply:

(1) Floor area shall mean the gross floor area of the entire building of the specific use, excluding any floor or portion thereof used for parking, as defined in this ordinance.

(2) Where fractional spaces result, the parking spaces required shall be the next greater whole number.

(3) In the case of mixed uses, the parking space required shall be computed separately for each use.

(4) Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is reconstructed or is enlarged to the extent of 20 percent or more of floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

(5) Except as provided for under a special use permit allowing joint parking, all required parking shall be available at all times for the use for which the parking is required. No spaces shall be used for any other parking, for storage or for any other purpose. Commercial trucks and vehicles shall be parked at the rear of the premises during non-business hours. {Ord. 1811)

C. Location of Required Parking Spaces

All parking spaces required herein shall be located as follows:

(1) The parking space required for all buildings or uses shall be located on the same premises with the building or use served.

(2) All required parking spaces in any residential district shall be located in a part of the main structure, in an accessory garage, in a carport or in any established side or rear yard, but shall not be located within a required rear yard, required side yard, or any part of a front yard. All required parking spaces in residential areas shall have a paved or gravel surface and shall be provided with access by way of a driveway that shall also have a paved or gravel surface.

(a) In the E-1 District the required two (2) parking spaces may be located in one side yard and any part of a rear yard or the required rear yard. [Ord. 1895]

(3) No required parking spaces on a lot in a G-Commercial or H-Light Industrial district shall be located within a required front, side, or rear yard. *[Ord. 1531]*

D. Minimum Improvements and Maintenance Standards

Required parking facilities other than residential spaces shall conform with the following improvements and maintenance standards:

(1) The minimum size of a parking space shall be 9 feet wide by 19 feet long, plus the necessary space for means of ingress and egress {Ord. 1844}.

(2) Such facilities shall be paved in accordance with city standards.

(3) Adequate provision shall be made for the disposal of storm or surface water.

(4) The owner of the property and the operator of any business thereon shall plant trees or shrubs so as to substantially screen all off-street parking areas on such property from the view of adjoining property in a residential district, which planting shall conform to the following requirements:

(a) Not less than one-half of the plant material shall be living evergreen shrubs or trees, preferably a variety of pines, and their height at time of planting shall be not less than six feet. The remainder of the planting may consist of deciduous trees and their minimum diameter at time of planting shall not be less than two inches, measured one foot from the ground.

(b) The spacing of the trees and shrubs and the treatment of planting shall conform to acceptable standards of local landscape architects and licensed nurserymen.

(c) The planting shall be maintained and all dead material removed and replaced annually. No planting shall be permitted or maintained so that it would be a safety hazard at any entrance to or exit from a parking area.

(d) All planted areas shall be kept free of trash and debris.

(e) If approved by the property owners of contiguous residential properties, a decorative wall of brick, stone or wood may be substituted for the screen planting in side and rear yards, but not along any public or private street.

(5) Parcels of land shall be permitted one driveway opening per street frontage, but additional driveway openings may be approved through a Site Development Plan provided there is a minimum of one-hundred (100) feet of frontage for each driveway opening along each road. Driveway openings shall not exceed thirty (30) feet in width unless a wider opening is specifically approved in a Site Development plan. *[Ord. 1531]*

(6) The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing.

(7) Wherever parking areas are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of one foot-candle of illumination over the entire parking area. All flood lights shall be shielded and directed away from other property so as not to direct more than one-half (1/2) foot-candle of illumination onto any abutting property within a residential district. Lighting fixtures shall not exceed sixteen (16) feet in height unless specifically permitted by an approved Site Development Plan or by a Special Use Permit issued by the City Council. *[Ord. 1595]*

(8) A temporary shelter for the use of parking area attendant may be maintained on the lot provided the location, construction and design of same shall be first approved by the Building Commissioner.

(9) The parking area shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees and shrubbery, as well as surfacing of the parking area, shall be maintained in good condition throughout its use for parking purposes. The Building Commissioner shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

E. Parking Regulations for all Residential Districts.

1. Driveways and similar outdoor parking facilities accessory to a residential use which are developed in any residential district in accordance with the requirements of this Section shall be used solely for the parking of passenger automobiles, including light trucks of less than 8,000 pounds gross vehicle weight, owned or leased by occupants of the dwelling structures to which such facilities are accessory, or by guests of such occupants or owners, except as provided in paragraphs (2), (3) and (4) of this Subsection E.

2. No commercial vehicle shall be parked on residentially-zoned land except such vehicles temporarily parked on a lot for the purpose of providing permitted construction, or for maintenance or other contracted services specifically for the location where such vehicle is parked or as specifically allowed by paragraphs (3) or (4) of this Section IV. E. Vehicles engaged in construction for which a building permit has been issued by the city must be moved from the site within 24 hours of job completion, expiration or revocation of a building permit. Vehicles engaged in maintenance or other contracted services may not remain on the site for more than seven calendar days and must be moved from the site within 24 hours of job completion.

3. A single trailer, motor home, recreational vehicle, boat, commercial vehicle or light truck may be stored only in a rear yard if hidden by a screen as defined in Section XIV if it meets all of the following criteria:

a) Owned, leased and/or operated by the occupant of the residence;
b) Does not exceed three-quarter ton rated capacity and does not exceed 12,000 pounds gross vehicle weight as licensed by the State of Missouri;
c) Does not have more than two axles;
d) Does not exceed 20 feet in length, eight feet in width, or eight feet in height;
e) Is not designed or used for hauling explosives, gasoline, liquified petroleum products, or any other hazardous materials;
f) Is not a vehicle for hire for the transportation of persons for a fee or other consideration; and
g) Is not designed or used for the transportation of freight, merchandise or construction materials for hire.

4. Any noncommercial vehicle meeting all of the criteria in paragraph (3) above except items (b) and/or (d) may be garaged on a residential lot, but shall not be stored in any yard.

F. Off-Street Loading Requirements

(1) There shall be provided at the time any building is erected or structurally altered off-street loading space in accordance with the following requirements.

Use	Gross Floor Area of building in Square Feet	Required Loading Spaces
Office Building	less than 5,000	None
	5,000 to 50,000	1
	50,000 to 200,000	2
	each 75,000 over 200,000	1

Retail, Service or Wholesale Use	less than 2,000	None
	2,000 to 20,000	1
	20,000 to 100,000	2
	each 75,000 over 100,000	1
Industrial Use	less than 5,000	None
	each 10,000 over 5,000	1

(2) In all cases where the required off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the lot on which the use is located.

(3) All required off-street loading spaces shall be paved and shall be screened from the front yard area of the lot and from adjoining property in a residential district.

SECTION VII. SPECIAL USE REGULATIONS

A. Written application shall be filed with the City Clerk, together with a filing fee in the amount required by ordinance to obtain a special permit (1) for the uses hereinafter set forth in this section or (2) for uses previously issued a special use permit where alteration or an extension is requested or (3) for uses established previous to the adoption or amendment of the Zoning Ordinance for which a special use permit would otherwise be required by the provisions of this section, where alteration or an extension is requested. No subsequent application with respect to the same property or any part thereof, whether or not made by the same applicant, shall be accepted for review until the expiration of six months after final action by the City Council on a prior application, or after the withdrawal or abandonment of such application at any time after the Zoning and Planning Commission has voted on the matter, unless the City Council determines to waive this limitation because of a material change in the relevant circumstances or in the nature of the application. *[Ord. 1379, 1482, 1637, 2099]*

B. In addition to the application, applicant shall submit architectural plans of the building(s) and structure(s) for which the special use is requested and a site plan of the entire parcel, showing its boundaries, dimensions and area, and the location of all existing and proposed buildings and structures, scaled not less than one inch to fifty feet evidencing conformity of all proposed improvements to no less than the minimum standards and requirements of this Zoning Ordinance and the ordinances of the City of Ladue; necessary descriptive material of the entire parcel including all permitted and special uses and such other information as the City authorities and the City's planning consultant may reasonably require. Upon receipt of an application and required supporting data, the City Clerk shall submit the application to the City Council. The Council shall direct the City Clerk to mail written notice thereof to the owners of the property located within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the property sought to be devoted to such use. The City Clerk shall promptly forward a copy of said application and supporting data to the City Zoning and Planning Commission whose duty it shall be promptly to review, investigate, consider and make written report thereon to the City Council. After publication in a newspaper of general circulation in the City of Ladue of at least fifteen days notice of the time and place of such hearing, and after receiving the report of the City Zoning and Planning Commission, the City Council shall hold a public hearing relative to said application. *[Ord. 1637]*

C. In considering whether or not such application should be granted, it shall be the duty of the City Zoning and Planning Commission and of the City Council to give consideration to the ef-

fect of the requested use on health, safety, morals and the general welfare of the residents of the area in the vicinity of the property in question, and the residents of the city generally, including the effect on:

(1) Traffic in the streets;
(2) Fire hazards;
(3) Overcrowding of land or undue concentration of people;
(4) Fire, police and utility services;
(5) Municipal expenditures;
(6) The character of the district, and property values in the area; and,
(7) The general suitability of the property in question for the proposed use.

D. After report by the City Zoning and Planning Commission, and after such public hearing, and after consideration of all of the factors hereinabove set forth, and subject to such protective restrictions as it may deem necessary in conjunction with such factors, the City Council may issue a special permit authorizing the location, erection, reconstruction or structural alteration of any of the following land uses or structures (but not a prohibited use listed in Section II) in any district, as follows:

Institutions of an educational, religious, or philanthropic nature.

Universities, colleges and schools including high schools, elementary schools, kindergarten, pre-kindergarten and nursery schools.

Private clubs.

Riding academy or stables in connection with private clubs where horses are cared for or rented for remuneration or otherwise.

Facilities of any public body or agency or department of any city, county, state or federal government.

The use of a building, premises, or easement for local public utility facilities, including but not limited to substations, towers, transmission lines, operated by a public utility corporation or for public utility purposes necessary to the public convenience or welfare; other than office buildings as permitted in the G or H Districts, and other than local service poles equipment attached thereto within public rights-of-way or public easements.

Private residential garages with a floor area that exceeds the limitation in Section IV-A-(1)-(b).

Personal services, but only in the G-Commercial District.

Service Stations, theaters and public garages, but only in the G-Commercial and H-Industrial Districts.

Extraction or processing of raw materials of all kinds, but only in the H-Light Industrial District.

Exterior storage of products or materials in the H-Industrial District.

Residential quarters for caretakers, but only in the H-Light Industrial District.

Drive-in establishments including banks, shops and restaurants, but only in the G-Commercial District.

Restaurants, taverns, cocktail lounges and other establishments selling liquor by the drink, but only in the G-Commercial District.

Clinics of any type, but only in the G-Commercial District.

Public park or recreational uses customarily associated with residential use.

Restaurants with floor area open to the outdoors, whether covered or uncovered but only in the G Commercial District. *[Ord. 1637]*

Facilities for massage therapy performed by therapists licensed by the State of Missouri, but only in the G-Commercial District. *[Ord. 1649]*

For buildings in the following Districts:

a. Single family dwellings exceeding 15,000 square feet in area under roof based on the criteria in Subsection F of this Section VII, but only in the A, B, and C Residential Districts. [Ord. 1696]

b. In the E-1 Residential District, dwellings exceeding total square footage in area under roof in the following lot size: 9001 s.f. and over. [Ord. 1910]

Concealed communication antennae, communication antennae, communication towers and stealth communication towers, as each is defined in Section XIV., but only in those districts specified in and subject to the terms, conditions, restrictions and limitations of Subsection F. of this Section VII. *[Ord. 1698]*

Joint parking facilities based on the criteria in Subsection G. of this Section [Ord. 1811, Ord. 1910]

Special Event (as defined by Subsection VII.H.(1)), but only in the G Commercial District. *[Ord. 2157]*

New non-residential development, including new construction, addition, and modification to an existing non-residential development, that will result in at least 7,500 square feet of floor area within a building. This includes the combination of separate commercial spaces into a single commercial space that comprises 7,500 square feet within a building for a new or modified use. *[Ord. 2160]*

E. Single family dwellings exceeding the square footages in area under roof may be allowed in the zoning districts specified in Subsection D. of this Section VII., provided that all of the criteria in this Subsection F. are met. For determining area under roof, the entire floor area of the building consisting of the gross horizontal enclosed areas of the several floors measured from the interior faces of the walls enclosing the building, including all floor areas in garages (attached or detached), covered porches, covered patios, covered walkways and breezeways and all other floor areas under roof of the main building, excepting the floor area of a basement which is not counted as a story under the definition of Basement in Section XIV. The City Council, upon recommendation of the Zoning and Planning Commission, may grant a special use permit for a residence to exceed 15,000 square feet in area under roof based upon a finding that the following criteria are satisfied in a reasonable manner. A special use per-

mit shall be the mechanism to assure that any increase in area under roof beyond that allowed by right will not have unreasonable negative impacts in accordance with the following provisions as set forth below. To apply for an increase in area under roof items (1), (2), (3), (4) and (5) below shall be addressed by the applicant and the criteria in items (6) through (18) below shall be met. *[All of Sub-section E – Ord. 1696]*

The following items shall be addressed:

(1) The degree to which the proposed structure visually impacts those who routinely see it from viewing locations other than on the subject property.

(2) The degree to which visual impacts of the proposed structure have been sufficiently mitigated by virtue of its location, design or construction or by virtue of effective landform and landscaping measures.

(3) The degree to which the natural vegetation, particularly the tree cover is preserved and protected.

(4) Adequacy of proposed water retention facilities on the subject property in mitigation of water runoff on adjacent properties.

(5) Doors, windows and other details of the proposed residence shall be of a residential scale and not be significantly larger than the features of surrounding residences.

For single family dwellings exceeding 15,000 square feet in area under roof in Districts A, B, and C, only, the following criteria shall be met [Ord 1910]:

(6) The proposed residence must be on a conforming lot meeting all minimum area, minimum lot width, and minimum lot frontage requirements of the zoning district in which it is located.

(7) A scale model of the proposed residence shall be submitted with the application including all of the lot on which the residence is proposed.

(8) In no case shall the proposed residence exceed a floor area under roof to lot area ratio often (10) percent (i.e. there shall be at least 10 square feet of lot area per one square foot of floor area under roof).

(9) In no case shall the area of the building footprint exceed ten (10) percent of the area of the lot.

(10) In no case shall the length of the building measured roughly perpendicular to the side lot lines exceed fifty (50) percent of the width of the lot, as measured at the front yard setback line.

(11) The minimum side yard setback shall be fifty (50) feet.

(12) Comments from the Fire Department shall be addressed including proximity to the nearest fire hydrants and the necessity of providing fire lanes on site.

(13) Automatic fire sprinkler systems shall be provided per Fire Department specifications.

(14) Provisions shall be made for adequate off-street parking on the lot for the duration of the construction period.

(15)A minimum of six permanent off-street parking spaces shall be provided on site within garages, and/or side yards, and/or rear yards, but shall not be provided in any required yard or any part of a front yard.

(16)The proposed residence must be on one lot and the area of the lot shall not be reduced in area at any time after construction of the residence.

(17)The proposed residence must be used only as a single-family dwelling, including customary accessory uses.

(18)The applicant shall submit an architect's estimate of the cost of the house and other site improvements for approval by the City of Ladue. Based on this approved amount, the applicant shall submit an acceptable escrow agreement, a letter of credit or a site completion bond covering the entire cost of the house and site improvements prior to issuance of any construction permits to assure completion of the house and site improvements. Such financial guarantee shall be enforceable by or payable to the City in an amount equal to the estimated cost of the house and site improvements. *[Sub-section E: Ord. 1696]*

In addition to the items set forth in (1) – (5) above single-family dwellings in the E-1 District exceeding the square footage shown at Section VII D (19) may be allowed provided that all of the following criteria are met [Ord. 1910]:

(19)The proposed residence is on one lot and the area of the lot shall not be reduced in area at any time after construction of the residence.

(20)The proposed residence is used only as a single-family dwelling including customary accessory uses.

F. Concealed communication antennae, communication antennae, communication towers, and stealth communication towers as each is defined in Section XIV. of this ordinance, may be allowed in the zoning districts specified in this Subsection E. provided that all of the criteria in this Subsection F are met. *[All of Sub-section F - Ord. 1698]*

(1) All concealed communication antennae, communication antennae, communication towers, and stealth communication towers shall meet the following criteria:

(a) In addition to its application for special use permit, applicant shall document reasonable efforts to locate its communication antennae on an existing communication tower within the City or in close proximity to the City. Such documentation shall also indicate why co-location on any existing communication tower is not feasible.

(b) Any special use permit issued for concealed communication antennae, communication antennae, communication towers and stealth communication towers shall be good for five years with the option for extending the permit for four additional five year periods at the discretion of the City Council. At the end of each five year period, the applicant shall provide all new information on issues relating to wireless technology.

(c) When any concealed communication antenna, communication antenna, communication tower, or stealth communication tower shall no longer be *used for* its original communications purpose, the owner of such antenna or tower, or the last lessee, licensee or user thereof, or the owner of the site on which the same is located shall be obligated, jointly and severally, at their expense to dismantle and remove promptly such antenna or tower

from its site. The licensed telecommunications user of such antenna or tower shall provide the city with a copy of the notice to the FCC of intent to cease operations thereon and shall have ninety (90) days from cessation of operations to complete the dismantling and removal of its equipment and the antenna or tower from the site.

If the antenna or tower is not removed, the city reserves the right at any time thereafter and after giving thirty (30) days written notice to the interested parties, to enter the property and remove the antenna or tower, to charge the costs to the last lessee, licensee or user thereof or the owners, and to place a lien in the amount of the costs against the property of the owner of the site.

(2) Concealed communication antennae may be allowed in any zoning district, but shall meet the criteria specified in paragraph (1) above and the following criteria:

(a) The concealed communication antennae shall be housed completely within the main building on the site.

(b) The portion of the structure housing the concealed communications antennae may exceed the building height limitation provided that: (A) it meets the criteria in Section V.A(2) or (B) the concealed communication antennae is housed and concealed completely within certain architectural features on a building and (Ord 2122):

(1) The proposed height and appearance of the architectural feature is architecturally compatible with the building, of a type and nature commonly found on such buildings, and does not distract from the view of the surrounding area (Ord 2122);
(2) The proposed height, appearance, and materials of the architectural feature is compatible with the design, appearance, materials, and dimensions of the building; and (Ord 2122)
(3) Erection of the proposed architectural feature and concealed communication antenna at the proposed location will not be detrimental to the surrounding property values or uses. (Ord 2122)

(c) In the A, B, C, D and E Residential Districts, concealed communication antennae may be installed only on a lot of not less than two (2) acres in size, occupied by a building housing either a church, or a school or a private club and in each instance in active use operating under and pursuant to a valid special use permit issued by the City of Ladue. Except as specifically provided herein, no concealed communication antennae shall be installed or operated within any residential district.

(3) Communication antennae may be allowed in any zoning district, provided they meet the criteria specified in paragraph (1) above and the following criteria:

(a) Communication antennae may be located on top of a building or attached to a building or other alternative support structure.

(b) Communication antennae may exceed the height limitation provided that no equipment shall exceed 15 feet in height as measured from the roof of a building, top of an architectural feature, or top of an alternative support structure and a total height of seventy (70) feet above the ground.

(c) The design of any communication antenna shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the communication antenna facilities with the surrounding natural setting and built environment.

(d) The site plan for the communication antennae shall include the following information:

(i) Proposed type, number, and location of antennae or other transmission equipment to be located on the site; and

(ii) Location of any adjoining structures used for residential purposes.

(e) In the Residential Districts, communication antennae may be installed only on a lot of not less than two (2) acres in size, occupied by a building housing either a church, or a school or a private club, or city government use and in each instance in active use except communication antennae installed based on the criteria of paragraph (f) below.

(f) Communication antennae, as defined in Article XIV, may be placed on an alternative support structure, as defined in Article XIV, (except a building housing a residential use or an accessory building on a lot containing a building housing a residential use) on any lot or within any public or utility right-of-way in any zoning district if such antennae meet all of the following criteria:

(i) The antennae shall be installed based on all of the criteria in paragraphs (a), (b), (c) and (d) of this Section VII. F. (3);

(ii) The antennae may consist of not more than two whip antennae, or not more than four panel antennae, and not more than one can-type omni directional antenna mounted atop the alternative support structure when such structure is a utility pole. Whip antennae shall not exceed fifteen (15) feet in height/length or six (6) inches in diameter. Panel antennae shall not exceed six (6) feet in height/length, one (1) foot in width, and one (1) foot in depth. Moreover, and except for can-type omni directional antennae, all antennae mounted on an alternative support structure shall be aligned parallel or approximately parallel to the axis of the alternative support structure; [Ord. 2017]

(iii) The communication antenna is to be mounted on an existing alternative support structure or, if on a new structure, the proposed structure is one that typically exists on a lot in the zoning district;

(iv) No separate on-site support building is necessary for operation of the communication antenna, or any necessary support storage area is located underground; and

(v) Other equipment necessary for the operation of the communication antenna is relatively small and can be mounted on or within the alternative support structure.

(vi) All equipment necessary for the operation of the communication antenna is the same color as the alternative support structure and is maintained the same color.

(vii) The combined height of the antennae and alternative support structure does not exceed a total height of sixty (60) feet above the ground unless the alternative support structure exceeded 55 feet in height without the antennae in which case the combined height of the antennae and alternative support structure shall not exceed a total height of seventy (70) feet above the ground.

(viii) If communication antennae are placed on a utility pole, the antennae shall not extend more than fifteen (15) feet above the highest power line.

(section (3) amended by Ord. 1792)

(4) Communication towers shall be limited to the G-Commercial District and the H - Industrial District, shall meet the criteria specified in paragraph (1) above and the following criteria:

(a) A communication tower shall not exceed 100 feet in height above the ground.

(b) The communication tower shall be set back from all property lines a minimum of one (1) foot for every foot of structure height. No communication tower shall be located within 200 feet of any residential structure.

(c) Communication tower operators of any tower approved after the effective date of this ordinance may be required by the city to provide for the co-location of other communications providers on their tower for reasonable compensation if their tower exceeds 60 feet in height.

(d) The design of the tower shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment.

(e) All accessory uses, and any guy wire anchors, shall be subject to height and setback requirements generally applicable to principal uses in the district. All guy wire anchor locations, equipment shelter structures or buildings, fencing, and similar structures or improvements constituting accessory uses shall be located on the same parcel of land occupied by the communication tower.

(f) The site plan for the communication tower shall include the following information:

(i) Exact location of the tower and guy wire anchors;
(ii) Proposed type, number, and location of antennae or other transmission equipment to be located on the tower;
(iii) Location of any adjoining residential districts or structures used for residential purposes.

(g) No advertising signs or lights shall be allowed on the communication tower.

(h) No outdoor storage shall be allowed on the site containing the communication tower.

(i) The site containing the communication tower shall be surrounded by a sight-proof fence or evergreen plant material of at least six feet in height.

(j) The communication antennae on communication towers shall be limited to whip and panel antennae as these types of antennae are defined in Section XIV.

(k) Communication towers shall not be installed or operated within any residential district.

(5) Stealth communication towers may be allowed in any district, shall meet the criteria specified in paragraph (1) above and the following criteria:

(a) A stealth communication tower shall not exceed 80 feet in height above the ground.

(b) The stealth communication tower shall be set back from all property lines a minimum of one (1) foot for every foot of tower height. No stealth communication tower shall be located within 150 feet of any residential structure.

(c) Stealth communication towers shall be a monopole or similar design that does not require the use of guy wires.

(d) The design of the tower shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment and conceal communication antennae and other equipment. The Civic Improvement Committee shall approve landscape plans for such installations.

(e) All accessory uses shall be subject to setback requirements generally applicable to principal uses in the district and no accessory building or structure shall exceed ten (10) feet in height. Any equipment shelter structures or buildings, fencing, and similar structures or improvements constituting accessory uses shall be located on the same parcel of land occupied by the stealth communication tower and suitably screened.

(f) The site plan for the stealth communication tower shall include the following information:

(i) Exact location of the tower;
(ii) Proposed type, number, and location of antennae or other transmission equipment to be located on the tower;
(iii) Location of any adjoining residential districts or structures used for residential purposes;
(iv) A rendering of the stealth tower or a picture of a similar existing stealth communication tower.

(g) No advertising signs or lights shall be allowed on the stealth communication tower.

(h) No outdoor storage shall be allowed on the site containing the stealth communication tower.

(i) A stealth communication tower shall not exceed the height of any surrounding trees by more than five feet.

(j) In the A, B, C, D and E Residential Districts, stealth communication towers may be installed only on a lot of not less than two (2) acres in size, occupied by a building housing either a church, or a school or a private club and in each instance in active use operating under and pursuant to a valid special use permit issued by the City of Ladue or within a

cemetery occupying not less than two acres in size. Except as specifically permitted herein, no stealth communication tower shall be installed or operated within any residential district.

(6) The provisions of this Sub-section F shall not apply to communications' facilities of the City of Ladue; however, the City shall remain subject to the other requirements concerning special uses.

(7) A temporary communication tower and communication antennas and all associated equipment or attachments ("Temporary Antenna") may be authorized by the City Council in all zoning districts where the application is: (A) necessary to avoid a gap in existing service resulting from and related to an unanticipated occurrence or approved permanent replacement or relocation of an existing communication tower and/or antenna, (B) satisfies the criteria for issuance of a Special Use Permit in Section VII.C, and (C) further satisfies the following conditions (Ord 2122):

(1) The Temporary Antenna shall, as a condition of issuance of any building permit and other authorization for installation of a Temporary Antenna, be removed and the property restored to its original condition within thirty (30) days after completion of the permanent structure approved in conjunction with the Temporary Antenna, but in no event later than one hundred and eighty (180) days after its erection, as provided in the Building Code, unless otherwise extended by City Council upon a showing of good cause necessitating extension not within the control of applicant (Ord 2122);
(2) The Temporary Antenna is proposed to be located on a lot of no less than two (2) acres (Ord 2122);
(3) The application complies with all otherwise applicable building code and zoning requirements, including as applicable to communication antennas, except that the Council approval shall substitute for and replace the procedural requirements otherwise applicable to Special Use Permits for approving a communications tower; and (Ord 2122)
(4) The proposed height, location, design, and appearance of the Temporary Antenna shall not materially detrimentally impact the view of the surrounding area, safety, or the surrounding property values or uses. The City Council may impose location, appearance or safety or other conditions as may be appropriate to address the temporary and unusual nature of the use and conform to the purposes of this Code. (Ord 2122)

G. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided and used collectively or jointly upon a determination by the City Council that the site and the proposed joint parking facilities meet the following criteria:

(1) The site shall be in common ownership or shall consist of not more than two contiguous parcels under separate ownership. If not in common ownership, a legally sufficient written agreement assuring the perpetual joint usage of said common parking for the combination of uses shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, filed with and made part of the Special Use Permit, and recorded in the St. Louis County Recorder of Deeds Office;

(2) The site shall provide a minimum of one parking space per 200 square feet of floor area before and after the joint parking arrangement is approved;

(3) All parking spaces on the site shall comply with the city's minimum requirement for area and dimensions;

(4) The applicant shall provide information proving that the joint parking will provide the required spaces for each business on the site as set forth in Section VI. The number of spaces for the site may be reduced based on a specific parking study that indicates the needed parking spaces for each hour of the day to substantiate the proposed reduction in spaces. This study will consider the customary operations of the various uses, the hours that each use is open for business and the number of customer visits and other levels of activity for each hour of the day. The study will be conducted by the City's traffic consultant at the applicant's expense. (Ord. 1865)

(5) The joint parking arrangement shall allow not more than one-half of the total parking requirement for any one business to be shared by another business; and

(6) Any proposed change in tenant mix or operating hours of the uses enjoying the joint parking arrangement shall be submitted to the City Clerk at least 30 days prior to any such change for review and approval of the City's Planning Consultant and City Clerk. Any proposed change in tenant mix or operating hours of the uses enjoying the joint parking arrangement that will adversely impact the functioning of the joint parking arrangement in the opinion of either the City Clerk or Planning Consultant will require referral to the Zoning and Planning Commission for an amendment to the existing Special Use Permit. Any such amendment will require approval of the City Council based on procedures outlined in this Section VII. {Ord. 1811 added Sec. G}

H. Special Events that meet the following definition shall be required to obtain a Special Use Permit and comply with the requirements as stated in this Subsection H.

(1) Special Event shall be defined as follows:

An event that is different from the usual activities conducted on a site and is planned to include any of the following:

- Amplified music played outdoors
- Fireworks
- Sale of alcoholic beverages
- Amusement structures (e.g. bounce house, etc.)
- Multiple vendor sales

(2) Events that meet the definition in Section H.(1) shall be required to obtain a Special Use Permit at least 30 days prior to the event and comply with the following:

(a) Event will only be allowed in the G Commercial Area.

(b) Event shall not cause a nuisance or be detrimental to the public health and safety.

(c) All outdoor activities must end by sunset.

(d) Adequate sanitary facilities must be provided on the premises for the persons attending the event.

(e) All tents, amusement structures (e.g. bounce houses), and other temporary structures shall comply with all City Ordinances and the International Building Code, as adopted by the City, as well as all applicable City, State, and Federal health, safety, environmental, and other applicable requirements.

(f) Adequate parking must be provided. Illegal street parking will not be tolerated. Failure to show that adequate parking will be provided shall be grounds for denial of a Special Use Permit.

(g) Event shall not cause excessive traffic congestion.

(h) Activities shall not be allowed to obstruct the public right-of-way, unless the event organizer has obtained permission from the appropriate City authority.

(i) Activities will require authorization from the Police Department, Fire Department, Public Works Department, and/or other City staff, as applicable.

(j) All evidence of the special event must be cleaned up at the close of the event, including any litter or decorations carried away by wind.

(k) Temporary signage, as defined by Section X of Ordinance 1175 may be allowed with an approved Special Use Permit, but must comply with the following:

   i. Event signage shall not exceed 10 square feet.

   ii. Banners and decorations shall not create excessive visual clutter nor shall they distract motorists. The full list of prohibited signage is listed in Section 130-7 of the Ladue Code of Ordinances.

   iii. Temporary signage materials may be displayed for no more than 10 days. Signage materials must be taken down immediately upon completion of the event.

(l) Because the intention of this Section is to allow for the temporary use of property under specific controlled conditions, the City's issuance of a Special Use Permit is not intended to, and expressly does not, create a vested property right in any use of property allowed by the City's grant of a Special Use Permit nor does it create a right or expectation in the property owner to the City's issuance of a subsequent permit for the same use. The City may, at its sole discretion, based upon the health, safety, and welfare of the citizens of the City of Ladue and the community as a whole, revoke an existing Special Use Permit for violation of its terms or other exigent circumstances or decline issuance of further permits.

(m) Substantive complaints from previous events hosted by the organizer or violations of this Section by the event organizer shall be grounds for denial of permits.

(n) Any Special Use Permit issued according to this Section shall not be transferred to any other person or to any other location for the operation of a special event at that location.

(3) The following items are required to make application for a Special Use Permit for a Special Event:

(a) Special Use Permit Application and fee ($250 for non-profit organizations, $500 for for-profit organizations).

(b) Special Event Request Form.

(c) A certificate of insurance from the property owner or leaseholder demonstrating general liability coverage of the business, organization, or event in an amount not less than $500,000.00 per single incident. If event is to take place on City property or right-of-way, the City shall be named as an additional insured party.

(d) If event will utilize public right-of-way or public property, a statement acknowledging that the applicant agrees, at all times, to defend, indemnify, and to hold harmless the City of Ladue, its elected officials, officers, agents, and employees from any and all claims, demands, suits, proceedings, and actions, liability and judgment, costs, damages, losses, and expenses of any kind, including attorneys' fees, arising directly or indirectly from the special event.

(e) A sketch of the property showing the areas of outdoor sales, food, entertainment, and other activities.

(f) Design and size of all temporary signage.

(g) Descriptions and/or pictures of any structures, decorations, tents, booths, or other items to be located on the site of event, that are different from the everyday activities of the site.

(h) Any additional information reasonably necessary and relevant to the issuance of the Special Event Permit.

(4) Certain events shall be exempt from the requirements in this Subsection VII.(H), as follows:

(a) Events described as follows shall be exempt from all City of Ladue Special Event Permit requirements, but shall otherwise comply with other applicable City ordinances:

i. Gatherings held on school (public or private) or church property that are consistent with the expected use of that property.

ii. Gatherings on a commercial property with all activities to take place inside a building, as long as event does not create excessive traffic conges-

tion, burden nearby streets and parking areas, nor otherwise cause disruptive, unsafe, or inappropriate conditions.

iii. Private events and social gatherings held entirely on private residential property or private clubs that do not create a nuisance or violate the sound ordinance, or involve the use of or have an impact on public property, facilities, or streets or rights-of-way, other than for lawful parking, and do not require the provision of city public safety services.

iv. Expressive Events, which shall be defined as an activity in which persons are exercising their freedom of speech, such as assembling, demonstrating, or marching, and other similar means of expressing thoughts and ideas, so long as such expressions are conducted in an orderly manner and do not violate the noise ordinance or involve amplified music, fireworks, alcoholic beverages, amusement structures, or multiple vendor sales.

(b) Events sponsored by the City of Ladue shall be exempt from Special Use Permit requirements, but must obtain an Administrative Special Event Permit and meet all other applicable requirements. *(Ord. 2157 added Sec. H)*

In case, however, that the City's Zoning and Planning Commission recommends disapproval of an application for a special use permit or in case of a protest against the granting of any such application duly signed and acknowledged by the owners of 10 percent or more of the area of the property located within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the property sought to be devoted to such use, but excluding any property owned by the applicant, such use shall not be permitted except by the favorable votes of three-fourths of all members of the City Council.

SECTION VIII.

COMMERCIAL AND LIGHT INDUSTRIAL ADDITIONAL REGULATIONS

SITE DEVELOPMENT PLAN REVIEW

A. Applicability of Section VIII

(1) An approved Site Development Plan is required for the development or redevelopment of all parcels larger than two (2) acres in the G-Commercial District and the H-Light Industrial District. The purpose of Site Development Plan review procedures for large commercial and light-industrial developments is to enable the City to consider potential impacts upon the area in the vicinity of the property and elsewhere, consistent with good planning practice, and to require the use of high standards of site and building design for the general welfare of the City and its residents. *[Ord. 1595]*

(2) As used in this Section VIII, the term "development" means the erection of a new building or structure on a parcel, and the term "redevelopment" means the enlargement, reconstruction or structural alteration of an existing building or structure on a parcel affecting more the twenty percent (20%) of the square foot area of such building, structure or parcel. *[Ord. 1595]*

(3) The procedure for obtaining approval of a Site Development Plan includes:

(a) the filing of an application which shall include, at applicant's option, a Concept Site Plan or a Site Development Plan;
(b) the review and comments by City departments and Plan Consultants;
(c) filing of a Site Development Plan (if not previously filed) for similar review;
(d) submission of the Site Development Plan and comments to the Zoning and Planning Commission;
(e) report by the Zoning and Planning Commission of its recommendations to the City Council;
(f) final action by the City Council on the application.

(4) The procedures and requirements contained in this Section VIII are in addition to the procedures and requirements contained in other sections of the Zoning Ordinance which shall remain applicable to the parcel for which the application is filed. In case of conflict between the general provisions and district regulations of the Zoning Ordinance with provisions of this Section VIII, the more restrictive requirement shall control unless the context shows otherwise.

B. Application, Review and Approval of a Site Development Plan

(1) An applicant shall confer with the City Clerk or his assistants in order to become thoroughly familiar with the City's regulations and requirements affecting the district in which the parcel in question lies and shall obtain copies of all provisions of the City ordinances pertaining to procedures and requirements for Site Development Plan approval.

(2) An application may be made by the owner or by any person with a contractual interest in the property. Written consent of the owner shall be filed with, or evidenced upon, the application, if the applicant is not the owner. All owners must join in consent if more than one.

(3) The application for review and approval of the Site Development Plan shall be filed on a form supplied by the Clerk and shall be accompanied by a Concept Site Plan or Site Development Plan as described in parts C and D of this section. The application shall be signed by the applicant

and shall state the name and address of the applicant and the owner. If the applicant is not the owner, the application shall identify the applicant's specific contractual interest in the property. The fee stated in the applicable City Ordinance shall be paid at the time of filing the application.

(4) Upon receipt of an application completed in satisfactory form, the City Clerk shall deliver a copy of the application and accompanying papers, including the Concept Site Plan or Site Development Plan to the City's Plan Consultant, fire department, police department, public works department, city engineer, road commissioner and traffic commissioner for their review and written comments on the impact of the proposed development on health, safety, traffic, public services or facilities and other relevant considerations, on both the area of the project, and other areas of the City which may be affected. Such comments shall be sent to the applicant by the City departments and by the Plan Consultant within thirty (30) workings of the filing.

(5) If a Concept Site Plan has been filed, the applicant, after receipt of comments on such Plan, shall file a Site Development Plan, as set forth in part D, with the City Clerk which shall be reviewed and commented upon within thirty (30) working days after the filing by the Plan Consultant and City officials as provided in paragraph (4) above.

(6) Within ten (10) days after the filing of the comments of the City officials and Plan Consultant on the Site Development Plan, pursuant to paragraphs (4) or (5) above, the City Clerk shall send said Plan with the comments to the Zoning and Planning Commission.

(7) The Commission may request further comments from the City departments and the Plan Consultant, and shall hold one or more meetings as needed to review the Plan and to determine its recommendations. The Commission shall recommend to the Council approval or disapproval of the application in a written report which may include specific conditions or provisions as part of an approved Plan which the Commission deems appropriate and consistent with the Zoning Ordinance and this Section.

(8) Upon receipt of the recommendation of the Commission, the City Clerk shall mail written notice thereof to the applicant and to the owners of the property located within one hundred eighty five (185) feet of the boundaries of the parcel sought for Site Development Plan approval. After publication in a newspaper of general circulation in the City of Ladue of at least fifteen (15) days notice of the time and place of a public hearing, the City Council shall hold a public hearing on said application and shall approve or disapprove the Plan at such hearing or at a subsequent meeting of the Council.

(9) The Commission, in determining its recommendation, shall consider:

(a) all relevant information, including the comments of the City officials, the Plan's consistency with good planning practices, its compatibility with adjacent developments and uses, and its effect on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property subject to the Plan and upon the residents of the City generally;

(b) the likely effect of the Plan on vehicular or pedestrian traffic, fire hazards, fire, police and utility services, municipal expenditures, surface water drainage and control facilities and environmental aspects.

(10) In deciding whether or not such application should be approved, the Council shall give consideration to the recommendation of the Zoning and Planning Commission and to the factors stated in paragraph B-(9) above. The favorable vote of three-fourths (3/4) of all the members of the City Council in office shall be necessary to approve a Plan which the Commission has disapproved.

(11) Approval of a Site Development Plan shall be valid for a period of twelve (12) months from the date of approval by the Council. If no building permit is obtained during that period, the approval shall terminate. The Council may grant extensions of time not to exceed twelve (12) months each, upon written request of the applicant for a substantially similar plan, provided that the request is filed prior to the expiration date. The Council may attach new conditions when an extension is granted. If, in the opinion of the Council, the application contains substantial changes to the originally approved plan, a new Site Development Plan review process must occur, including payment of a new application fee.

(12) Buildings, structures, landscaping and other improvements shall be constructed, installed, and maintained in accordance with the Site Development Plan approved by the City Council. Such approval shall not affect the requirement for submission of plans to the Architectural Board as provided in Section XII of the Zoning Ordinance. It shall be the duty of the owner of the property to maintain such improvements.

(13) Site Improvement Costs

(a) The applicant must submit an engineer's estimate of site improvement costs for review and approval by the City of Ladue. Based on this approved amount, the applicant must submit an escrow agreement, a letter of credit or a site development bond covering the entire cost of site improvements prior to issuance of any construction permits to assure completion of the site improvements.

(b) Such financial guarantee shall be enforceable by or payable to the City in an amount equal to the estimate cost of all the site improvements (streets, curbs, sidewalks, storm and sanitary sewers, grading and landscaping for the entire project).

C. Content of the Concept Site Plan

(1) A Concept Site Plan, if filed, shall include the following:

(a) The location of the parcel in relation to surrounding uses, buildings, and zoning.
(b) The location of the parcel in relation to major arterials and/or highways, and any roadways or drives connecting the parcel to those major thoroughfares.
(c) the boundaries, dimensions and area of the parcel.
(d) The proposed use and development of the parcel, including principal and accessory uses.
(e) The location and size of each existing structure on the parcel.
(f) The footprint of each proposed building or structure on the parcel.
(g) The height and number of stories of proposed buildings and structures.
(h) The amount of land area covered by buildings, structures, drives and parking facilities.
(i) The ratio of floor area to land area (FAR).
(j) A scale for all drawings shall be no smaller that 1" = 50'. The drawings shall contain the project name, street names, a scale, north arrow, and the date drawn.

D. Content of Site Development Plan

(1) A Site Development Plan shall include, but not be limited to:

(a) All necessary information, drawings, and maps for a determination whether the proposed use and development meets with district requirements, and for an assessment of the impact of the proposed development on public services and facilities, both on-site and in adjacent areas of the City, and the items in Section VIII-B-(9).

(b) All information required by Section VIII-C-(1) for a Concept Site Plan.

(c) The proposed use and development of the parcel, including principal and accessory uses, with special attention to open space, plazas, landscaped areas, and all buffering from adjacent uses.

(d) The form of proposed buildings and structures, including plan and elevation views and a description of proposed building materials.

(e) The location of all existing deciduous trees over six (6) inch caliper, with an indication of trees to remain and those to be removed.

(f) A landscape plan, including a detailed drawing to scale and a corresponding schedule of all plant material to be provided, including the size, location, type and method of planting trees, shrubs and ground cover.

(g) Inclusion on the landscape plan, if applicable, of site improvements such as walls, berms, fences, walkways, street furniture and lighting elements.

(h) The location, general design, and width of existing and proposed driveways and curb cuts.

(i) The location, area and number of proposed parking spaces.

(j) The location and size of loading areas.

(k) Existing and proposed site grades at a minimum of two (2) foot contours.

(l) The location and general size of proposed stormwater control facilities.

(m) The location and size of existing and proposed utilities, including water, sanitary sewer, gas and electric.

(n) The location of refuse collection facilities and related screening.

(o) The type, size and location of all signs.

(2) The scale of drawings shall be related to the size and complexity of the site, but in no case shall be smaller than 1" = 50'. All drawings shall contain the project name, applicant's name, street names, a scale, north arrow, date drawn, and seal of a licensed registered architect and/or engineer in the State of Missouri.

(3) Additional information or further details may be required by the City's Zoning and Planning Commission. Possible additional information includes, but is not limited to, elevation sections of buildings, report on project features, anticipated project schedule or phasing schedule, floodplain study, hazardous waste site audit, environmental impact study, and traffic impact study.

E. Design Standards

(1) The following design standards apply to parcels being reviewed under this Section VIII in addition to the applicable district requirements. All standards referred to herein are requirements which must be complied with in the Site Development Plan and in the actual development or redevelopment, pursuant to the approved Plan.

(2) Intensity of Use. These standards, along with height requirements, ensure that buildings and sites reflect a high quality, low density environment.

(a) Maximum Floor Area Ratio (FAR) of 0.4 (one square foot of floor area per every two and one-half square feet of site area).

(b) The amount of the parcel which may be covered by buildings, structures, parking, walks and access ways shall not exceed seventy (70) percent. If a parcel lies both within and without the City of Ladue, the maximum permissible coverage of the portion thereof in the City of Ladue shall not exceed seventy (70) percent. *[Ord. 1595]*

(3) Stormwater and Erosion Control. These standards seek to minimize property damage caused by erosion and flooding from stormwater. Special measures shall be taken to mitigate erosion both during and after construction, and for the retention and controlled discharge of runoff from the site.

(a) An approved Erosion and Stormwater Runoff Control Plan is required for all construction or enlargement of buildings that changes the land area covered by buildings or structures. These provisions do not apply to reconstruction or alteration of an existing building when no land, trees, shrubs, grass or other vegetation is to be disturbed. Also excluded is any construction when less than two thousand five hundred (2,500) square feet of land is graded, cleared or filled.

(b) Retention facilities shall be designed with proper safety, stability and ease of maintenance, and shall not detain stormwater to a depth greater than four (4) feet. Retention basins may have depths exceeding four (4) feet only if specifically approved by the Zoning and Planning Commission because of demonstrated need, and when special provisions have been taken to avoid safety hazards. Maximum side slopes for grass-edged reservoirs shall not exceed a 2-to-1 ratio unless adequate measures are included to stabilize the slopes. The maximum ponding elevation shall be no closer than thirty (30) feet horizontally and two (2) feet vertically below the lowest sill elevation of any building, except that closed retention tanks may be of any depth or volume.

(c) Retention facilities shall be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational soon after clearing of vegetation. Silt and debris connected with both construction and general erosion shall be removed periodically from the retention area and control structure in order to maintain close to full storage capacity. The responsibility of maintaining retention facilities shall remain with the general contractor until final inspection of the development is approved, and thereafter be on the owner of the project. The applicant must submit a copy of a retention pond maintenance agreement, which has been recorded with the St. Louis County Recorder of Deeds, before issuance of a building permit.

(d) No building permit shall be issued to construct, erect, or alter any building or structure, nor any grading permit issued to clear, grade, excavate, fill, or remove top soil until an Erosion and Stormwater Runoff Control Plan has been submitted and approved. All plans and specifications submitted for review shall be prepared by, or under the direct supervision of, a registered professional engineer, licensed in the State of Missouri, and shall meet the minimum standards and requirements of the City and the Metropolitan St. Louis Sewer District.

(4) Landscaping and Screening. A site subject to Section VIII needs special landscaping features to deal with larger buildings, parking lots and overall site development.

(a) Landscaping of Parking Lots. All interior landscaped areas in parking lots shall have a minimum width of five (5) feet, and be raised and curbed above the lot level. Each separate interior landscaped area shall include at least once deciduous shade tree, and there shall be at least two such trees for every one hundred (100) linear feet of parking in a parking row. The ends of parking rows abutting a circulation aisle shall be defined by interior landscaped areas whenever feasible.

(b) Screening of Parking and Certain Areas.

(i) The frontage along the entire parking or loading area adjacent to any street shall be landscaped, including provision of street trees at no more than thirty-five (35) feet on center located either within or parallel to the right-of-way.

(ii) A perimeter landscaped buffer strip shall be provided at a minimum width of twenty-five (25) feet between a parking lot or structure and an abutting property line in a residential district. Other, more restrictive standards for buffers shall govern where required.

(iii) All loading and truck circulation areas adjacent to residences shall be set back by a fifty (50) foot landscaped yard, or completely screened by building walls, solid fences, masonry walls and/or landscaping.

(iv) The Zoning and Planning Commission may require reasonable, additional landscaping, a solid fence or a masonry wall as part of a buffer area to protect adjoining residences.

(c) Landscape Standards. No landscape hedge shall be less than two (2) feet in height, and three (3) feet in spread; except within ten (10) feet of a driveway opening. Individual plants used in development of such a hedge shall be placed not more than twenty-four (24) inches on center.

(5) Parking. These parking standards apply only to sites being reviewed under this Section VIII.

(a) All entrances and exits to parking and loading areas from a public right-of-way shall be subject to specific approval in a Site Development Plan, in order to ensure safe circulation of vehicles. In no event shall parking or loading spaces require or permit the backing of vehicles into public rights-of-way.

(b) No area designated as a required parking area in connection with any designated building or use shall be operated as a commercial parking lot providing parking spaces for the general public, other than for the building occupants and their business guests.

(c) No part of a required front, side or rear yard shall be used for parking spaces or as a parking area.

SECTION IX. BOARD OF ADJUSTMENT

A. Membership

There shall be a Zoning Board of Adjustment, hereafter referred to as the "Board". The Board shall consist of five members who shall be residents of the City of Ladue appointed by the Mayor and approved by the City Council. The term of office of the members of the Board shall be for five years. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and the City Council upon written charges and after public hearing. *[Ord. 1595]*

B. Rules of the Board

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

C. Absence at Meeting

Three alternate members shall be appointed by the Mayor to serve in the absence or the disqualification of the regular members of the Board. The term of office for the alternate members shall be one calendar year, the term for the first alternate members to end on the last day of the year in which this ordinance is adopted. (Ord. 1774)

D. Meetings

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose.

E. Appeals

Appeals to the Board may be taken by any person aggrieved or by an officer, department, board or bureau of the City of Ladue affected by any decision of the Building Commissioner. Such appeal shall be taken within a reasonable time as shall be prescribed by the Board by general rule, by filing with the Building Commissioner and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee of $250.00 to the Building Commissioner at the time the notice is filed, which the Building Commissioner shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City of Ladue. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. *[Ord. 1482]*

F. Stays of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Board after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order

which may be granted by the Board or by a court of record on application or notice to the Building Commissioner and on due cause shown.

G. Hearings

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, including the owners of abutting lots and the Mayor and City Council, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or be represented by agent or by attorney.

H. Jurisdiction

The Board shall have the following powers:

(1) To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of Section IX.

(2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this ordinance.

(3) To permit a variation in the yard and fence requirements in any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions.

(4) To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(5) To permit the increase in the height of fences for purposes of safety and screening.

(6) To modify the requirements for plant materials, trees or shrubs, whenever satisfactory proof is presented that indicates no reasonable need for such planting exists in a particular case, or that same would not serve the best interests of the community.

(7) To modify the access and site design requirements set forth in the G-Commercial District, and to allow setting aside of required parking spaces and deferring paving of same for a definite or indefinite period.

(8) To determine whether any proposed manufacturing plant or establishment is obnoxious or offensive and not in accordance with the intent and spirit of this ordinance because of the emission of smoke, odor, noise or gas.

(9) To permit accessory building: (a) in front of a main building (but not in the required front yard) in the A and B Districts; and (b) in front yards of corner lots or in either of the front yards of a double frontage lot in any district.

(10) Whenever a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or unnecessary hardship, to permit such variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. But any such variation may be granted only when the Board is

satisfied that it will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant such variation, and at the same time properly protect the surrounding property. In no case, however, shall the Board permit a use which is not a permitted use of land under this ordinance in the district in which the land involved is located, and in no case shall the Board permit a variation, waiver or modification of a requirement of this ordinance which does not substantially comply with its terms and accord with its spirit and purpose. A self-inflicted hardship shall not be deemed a practical difficulty or an unnecessary hardship. *[Ord. 1379, Ord. 1595, Ord. 1774]*

I. Determinations

In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the Building Commissioner. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

J. Petition to Circuit Court

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of St. Louis County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decisions in the office of the Board.

(1) Upon presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made, and served upon relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceeding upon the decision appealed from but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(2) The Board shall not be required to return the original papers acted upon by it, but 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.

(3) If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusion 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 or partly, or may modify the decision brought up for review.

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

SECTION X. SIGNS

[Sec. X: Ordinance 1695]

A. Declarations.

The declarations in Chapter 35 of the City's Code of Ordinances are adopted as applicable to the signs regulated by this Section.

B. Purpose and Intent.

The purpose and intent of this Section generally is the same as that set out in Chapter 35. A further purpose is to control and regulate signs in the City of Ladue in a manner that is consistent with the intent and purpose of the Zoning Ordinance. Finally, the specific purpose is to regulate commercial signs.

C. Definitions.

In addition to the definitions found in Section XIV of this ordinance, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Section X. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

Awning A shelter or protective cover projecting from and supported by the exterior wall of a building constructed of non-rigid materials over a rigid framework which is either ground supported or which can be raised or retracted to a position against the building when not in use.

Awning Sign Any sign that is a part of or attached to an awning or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Banner Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Bulletin Board Sign, Institutional A wall sign or freestanding sign which identifies a place of worship or school and which contains the name of the institution and changeable copy information such as the names of individuals connected with the institution, general announcements of events or activities occurring at the institution, or similar messages.

Changeable Copy Sign A sign on which message copy is changed manually or automatically, through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels, but not including an institutional bulletin board sign or a gasoline filling station price sign.

Commercial Message Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Construction Sign A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the owners and/or contractors having a role or interest with respect to the structure or project.

Directional Sign A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

Directory Sign A sign listing the name and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

Driveway Sign A sign located near a driveway that contains the address of the premises or information such as "enter," "exit only," "no construction traffic," "no deliveries," or any similar information.

Erect To build, construct, install, attach, hang, place, inscribe, suspend or affix, and shall include the painting of wall signs.

Flag Any fabric or bunting containing distinctive colors, patterns or symbols, including flags used as a symbol of a government, institution or business, but not including a commercial message.

Freestanding Sign Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure including a low monument sign.

Gasoline Filling Station Canopy A freestanding structure located on the same premises as a gasoline filling station affording protection from the elements to persons or property thereunder.

Gross Sign Area See Sign Area, Gross.

Incidental Sign A sign which is generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here," "loading only," "telephone," or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.

Illuminated Sign Any sign that is internally or externally illuminated.

Institutional Bulletin Board Sign See Bulletin Board Sign, Institutional.

Low Monument Sign A freestanding sign not more than six (6) feet high which is located adjacent to a road right-of way.

Non-conforming Sign Any sign that was lawfully erected but no longer conforms to the requirements of this ordinance.

Office Building A commercial building in which less than 50% of the gross leasable floor area generates the payment of sales taxes from the sale of tangible personal property. [Ord. 2106]

Office Park A development on a lot that contains two or more separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

On-Premise Permanent Sign A sign pertaining primarily to the use of the premises on which the sign is located and which may contain, but is not limited to, any of the following information: the name of the owner, occupant, management, business or building; the address; the type of business, profession, service or activity; and the type or types of products offered.

Paper Sign A sign normally for temporary use made of paper, cardboard or similar material.

Portable Storage Unit (P.S.U.) A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property. [Ord. 1917]

Real Estate Sign Any sign pertaining to the sale, lease or rental of real estate.

Retail Use Any use that generates the payment of sales tax. [Ord. 2106)

Shopping Center A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site with more than 50% of the gross leasable floor area dedicated to retail use. [Ord. 2106]

Sign Any device, fixture, placard or structure that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, but not including a church steeple.

Sign Area, Gross The entire area within a single continuous perimeter composed of parallelograms, triangles, circles, ellipses or combinations thereof, enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual letter sign erected on a wall only two-thirds (2/3) of the entire area of the enclosing parallelograms, triangles, circles, ellipses or combinations thereof; shall be counted as the gross area of the sign. Where a sign has two (2) or more faces, the gross area of all such faces shall be included in determining the total gross area of the sign.

Sign Face The area or display surface used for the message.

Sign Frontage The length along the side of a building when the side of the building faces a street or a parking lot. Except, however, that the length along the side of a building that faces an interstate highway or other non-accessible road shall not be considered sign frontage. [Ord. 2106]

Sign Height For all signs except billboards, the vertical distance measured from the elevation of the centerline of the adjacent right-of way at the point closest to the sign to the highest point of the sign face.

Sign Permit A document certifying that the plans for the proposed sign comply with all applicable City ordinances and requirements.

Temporary Promotional Display A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, or a change in policy or in the status of a business.

Temporary Sign A sign which is not permanently installed or affixed to any sign, structure, building or lot.

Wall Sign Any sign attached parallel to, and within fourteen inches of, a wall, painted on the wall surface, or erected and contained within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

Window Sign Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed immediately inside a window or upon the window panes or glass and is visible from the exterior of the window.

D. Applicability.

The provisions of this Section X shall apply to all commercial message signs in the City, unless a sign is specifically exempted by Subsection H. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section X and other applicable provisions, the more restrictive shall govern.

E. Signs in Residential Districts.

It shall be unlawful to erect or maintain any commercial message sign, including construction signs, in residential zoning districts except those signs required by Section 67.317 of the Revised Statutes of Missouri concerning real estate and except those signs used in connection with a preexisting non-conforming use as defined by the City's zoning ordinance while such preexisting use continues. Such signs used for preexisting non-conforming uses shall comply with all requirements concerning size and location set out in this ordinance.

F. Signs in Nonresidential Districts.

(1) Signs in nonresidential districts which do not contain a commercial message shall be regulated by Chapter 35 of the City's Code of Ordinances.

(2) Commercial message signs, including billboards (see Subsection G) are regulated by this Section X. Commercial message signs; other than billboards are subject to the requirements outlined in this Subsection F.

(3) Classification of signs. Signs shall be classified as on-premise permanent signs, temporary or incidental signs, or special purpose signs as follows:

(a) On-premise permanent signs as defined in Subsection C.

(b) Temporary or incidental signs as defined in Subsection C are limited to the following: window signs, temporary promotional displays, temporary real estate signs, and temporary on-site construction signs.

(c) Special purpose signs are limited to parking direction signs, parking regulation signs, covered walkway signs, and directory signs.

(4) On-premise permanent signs

(a) *Office building signs:* Each freestanding, single or multi-tenant office building may have one (1) wall sign per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed sixteen (16) square feet per sign frontage.

(b) *Individual business or use within a shopping center.* Within a shopping center, each individual business or use which has sign frontage, as defined in Subsection C, may have one (1) or more wall signs and/or signs affixed or painted on awnings with a total gross sign area per sign frontage not to exceed twelve (12) square feet. A rear entrance to an individual or freestanding business used primarily for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to or immediately above the rear entrance door. In locations where individ-

ual businesses or uses are grouped together in a shopping center, the signs shall maintain uniformity in location, height and general design, and shall be compatible in color. [Ord. 2106]

(c) *Freestanding* business *or use.* Each freestanding business or use (except office buildings) may have one (1) wall sign as defined in Subsection C per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed twelve (12) square feet per sign frontage.

(d) *Two Sign Frontages.* For buildings or uses permitted signage based on paragraphs (a),(b) or (c) above which have two sign frontages, a single sign may be erected in lieu of one sign for each sign frontage. The single sign shall not exceed one and one-half (1½) times the allowed gross sign area for a single frontage.

(e) *Shopping center or office park signs*: A shopping center, or office park, occupying a site in excess of three (3) acres in size may have a single low monument, on-premise sign identifying the center, park or complex (major tenants may also be identified on this sign) in accordance with the following standards:

Maximum sign area: 50 sq. ft.
Maximum area per sign face: 25 sq. ft.
Minimum setback from right-of way: 10 ft.

(f) *Low Monument Building Sign*: For buildings on lots with at least 200 feet of frontage on a single street which are set back a minimum of 60 feet from the street right-of way line, a single, low monument, sign used primarily for identifying the building and/or its major tenants is permitted based on the following standards:

Maximum sign area: 50 sq. ft.
Maximum sign area per sign face: 25 sq. ft.
Minimum setback from right-of way: 10 ft.

(g) *Major Tenants of Shopping Centers*: In lieu of the signage allowed in paragraph (b) of this Subsection, the primary tenants of a shopping center (tenants occupying at least 40,000 square feet of floor area) located on a site of at least three (3) acres may have their allowable signage increased based on the following standards:

Maximum sign area per sign frontage (maximum of two): One-half square foot of sign area per linear foot of sign frontage, up to a maximum sign area of 80 sq. ft.

Minimum sign setback from right-of way and property lines: 60 feet Limited to single-faced wall signs only.

(5) Temporary or incidental signs. The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premise permanent signs:

(a) *Window signs:* The total gross sign area of all window signage, incidental signs and paper/temporary window signs shall not exceed five (5) percent of the total clear glass area along the portion of the storefront on which the signs are located. While this provision

is designed to allow for incidental signs, nothing in this paragraph is intended to prohibit the display of a sign with a political message.

(b) *Temporary promotional displays and signs:* Temporary promotional displays such as banners or posters shall be permitted for ground floor retail sales and service uses to announce grand openings, special sales or events. These special promotions shall be limited to two (2) times per year for up to two (2) weeks each period. A separate sign permit shall be required for each event. These temporary promotional displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed one-half the allowable square footage for on-premise permanent signs.

(c) *Temporary Real Estate Signs.* In addition to the permitted signage on any nonresidential premises, temporary real estate signs may be allowed for a period not exceeding ninety (90) days offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located and shall be limited to six (6) square feet per sign face with a maximum of two (2) sign faces. At the end of the 90 day period, real estate signs may be maintained provided that such signs continue to only advertise the premises on which they are located and provided that the aggregate area of all signs on the premises do not exceed the maximum allowed on the premises for all signs. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented.

(d) *Temporary On-site Construction* Signs: One (1) on-site construction sign per entire development denoting the owner and/or contractor shall be permitted. Such sign shall not exceed eight (8) square feet in gross sign area, and not to exceed six (6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade. Such sign shall be erected on the property and outside of the right-of way for any public or private street. Such sign shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the building final inspection if no occupancy permit is required.

(6) Special purpose signs. Signs authorized in this subsection are not to be included in calcu lating the allowable sign area for on-premise permanent signs.

(a) *Parking direction signs*: One (1) non-illuminated freestanding parking direction sign per direction, shall be permitted for each driveway, provided the sign does not exceed three (3) square feet in gross sign area per face, the sign height does not exceed three (3) feet, and no portion of-the sign shall extend into the public right-of way. If the sign is located at a private driveway, the sign may contain the address of the business or institution on the premises.

(b) *Covered walkway signs:* A sign not to exceed two (2) square feet in gross sign area, may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. The content of such a sign shall primarily be for identification of the business it is hung in front of and only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail store front so as to be beneficial to pedestrian traffic.

(c) *Directory sign:* Each multi-tenant office building, shopping center or similar use with more than one tenant, may have one (1) freestanding directory sign not exceeding six-

teen (16) square feet in size. Such sign shall be setback a minimum of fifty (50) feet from any street right-of way line.

(7) Gasoline Filling Stations

(a) *Sign Limitations.* Signs located on property used for gasoline filling stations shall be subject to the provisions and limitations set forth in this Subsection. Additional retail signs, unless specifically provided for herein, shall be prohibited.

(b) *Prohibited* Signs. No sign shall be attached to any pole, light standard, or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in Subsection F (7) (e).

(c) *Wall Signs.* Not more than one (1) wall sign shall be permitted for each gasoline filling station per sign frontage. This wall sign shall not exceed twelve (12) square feet in gross sign area.

(d) *Canopy Signs.* A gasoline filling station with a canopy shall be permitted one (1) canopy sign, in addition to a wall sign, per sign frontage. This canopy sign shall not exceed twelve (12) square feet in gross sign area per sign frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below, or from any side of the vertical face of the canopy. This sign may be illuminated by internal and non-intermittent light sources. A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the gross sign area allowable for said sign.

(e) *Pump Signs.* Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding "octane rating," "price," and "type of fuel." The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self service" or "full-service" signs may identify each pump island on the gasoline filling station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than six (6) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.

(f) *Gasoline Price Signs.* No more than one (1) gasoline price sign shall be allowed per gasoline filling station property sign frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed twelve (12) square feet in sign area per face, shall not have more than two sign faces, and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify only the actual unit price being charged for gasoline being sold. The business's name and/or logo may be displayed on this sign.

(g) *Gasoline Filling Stations on Lindbergh.* In lieu of the filling station canopy sign allowed by paragraph F (7) (d), a gasoline filling station with frontage on Lindbergh Boulevard may have a single low monument sign for identification. The sign area of such sign shall not exceed 25 square feet per sign face and there shall be not more than two (2) sign faces.

G. Billboards.

(1) Only billboards mandated by State or Federal law are permitted in the City and such billboards must meet the following requirements

(a) it must be located within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or primary highway (as defined by the Missouri Department of Transportation) and the interstate or primary highway must not be a scenic roadway;

(b) a billboard may only be placed on lands zoned G, Commercial District;

(c) the billboard must comply with all provisions of paragraphs (2), (3) and (4) herein.

(2) *Size, Height and Mounting of Billboards.* The size, height and mounting of billboards shall be regulated by the following:

(a) The maximum area for any one (1) billboard shall be seven hundred fifty (750) square feet with a maximum vertical dimension of thirty (30) feet and a maximum horizontal dimension of sixty (60) feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members;

(b) the maximum height of a billboard shall not exceed thirty-five (35) feet above the natural grade where the sign is installed;

(c) No billboard shall be located on the roof of a building or on a non-sign structure.

(3) *Separation Requirements.* No billboard structure shall be erected within:

(a) seventy-five (75) feet of the property line of the lot on which the billboard structure is located;

(b) six hundred (600) feet of any residentially-zoned property;

(c) seventy-five (75) feet of any existing building;

(d) three hundred (300) feet of any park, playground, school, library, or place of worship, or

(e) seventy-five (75) feet of an overhead power line.

(3) *Illumination.* Illuminated signs are regulated by Chapter 35 of the City's Code of Ordinances and the provisions set out there are applicable to signs regulated by this Section.

(4) *Permits Required.* No permit to allow a billboard to be newly erected shall be issued by the City without a permit issued by the Missouri Highways and Transportation Commission.

H. Exempt Signs in Nonresidential Districts.

The exempt signs allowed in nonresidential districts are the same as those exempted in Chapter 35 of the City's Code of Ordinances. In addition, signs not exceeding two (2) square feet in sign area, including, but not limited to, commercial address numerals, are also exempt.

I. Prohibited Signs.

Chapter 35 of the City's Code of Ordinances provides a list of prohibited signs in the City. All of those signs are prohibited in nonresidential districts except those billboards and commercial message signs which are specifically permitted and regulated in this Subsection. Any sign that is not specifically prohibited by Chapter 35 and not specifically permitted by this Section shall be prohibited in nonresidential zoning districts.

J. Illuminated Signs.

Illuminated signs are regulated by Chapter 35 of the City's Code of Ordinances and the provisions set out there are applicable to signs regulated by this Section.

K. Sign Permits.

No sign permitted under Subsection F or Subsection G which is one designated as required to have a sign permit shall be erected, constructed, painted or placed upon any building or premises within the City until a permit therefor has been issued by the City Clerk. The procedures for issuance of a sign permit are contained in Chapter 35 of the City's Code of Ordinance.

L. Design, Construction, Maintenance, Inspection.

All the design, construction, maintenance and inspection requirements of Chapter 35 are applicable to any signs permitted under this Section X which are adopted and made applicable to signs regulated under this Section X.

M. Compliance Requirements.

Signs are required to be in compliance with this Section X as follows:

(1) No new sign may be constructed or erected after the effective date of this Section X, unless the sign conforms to all the provisions of this Section X and any required sign permit has been issued by the City Clerk. Nothing in this Subsection M shall relieve the owner or user of a nonconforming sign from the provisions of this Section regarding safety, maintenance, and repair of signs specified in Subsection L.

(2) Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty (50) percent or more of its replacement cost, exclusive of the foundation, after the effective date of this Section X, shall not be rebuilt, repaired or replaced unless in conformity with the provisions of this Section X. Repair of such sign shall not affect provisions of any of the other paragraphs of this Subsection M.

(3) Any sign that was erected without a permit prior to the effective date of this Section X shall be removed or brought into conformance with this Section X within six (6) months of such effective date except that signs used in connection with a preexisting non-conforming use shall be subject to paragraph (4) of this Subsection M.

(4) All existing signs erected with a permit and signs used in connection with a preexisting non-conforming use shall be brought into compliance within five (5) years of the effective date of this Section X except signs with variances granted prior to such date which shall be regulated by paragraph (5) of this Subsection M.

(5) Signs which received a variance by the City Council prior to the effective date of this Section X shall be required to comply with the size requirements of this Section X or other applicable size requirement which is specified in the Chapter 35 of the City's Code of Ordinances within eight (8) years of the effective date of this Section X.

N. Miscellaneous Requirements.

(1) *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Section X or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of way of any City, state or county road.

(2) *Sign Frontage Limitations.* Any building or use specifically allowed signage on more than one (1) sign frontage shall be limited to displaying or erecting signage on only two (2) sign frontages. The third and any subsequent frontage shall be devoid of any on-premise permanent signs except for a rear entrance sign of not more than two square feet in size.

O. Enforcement and Sign Removal.

All the enforcement and sign removal requirements of Chapter 35 are applicable to any signs permitted under this Section X which are adopted and made applicable to signs regulated under this Section X.

P. Variances.

(1) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of the provisions of this Section X, the Zoning Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Section X shall be observed, public safety and welfare secured, and substantial justice done.

(2) A variance from this Section X may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number, or dimensions of signs, or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain, or mere inconvenience to the applicant.

(3) The procedures and criteria for granting a variance from the regulations in this Section X shall be as set out in Section IX of the City's Zoning Ordinance.

Q. Severability of Parts of this Section X.

The phrases, clauses, sentences, paragraphs, and subsections of this Section X are severable and if any phrase, clause, sentence, paragraph, or subsection of this Section X shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree, or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and subsections of this Section X. In the event that, contrary to the policies, interests, and values of the City of Ladue, a court of competent jurisdiction issues a judgment, decree, or injunction order that this Section X or any part thereof is unconstitutional or other-

wise unlawful because of any omission or prohibition in this Section X, then all provisions of this Section X not specifically declared to be unconstitutional or otherwise unlawful shall remain in full force and effect and all signs not already specifically regulated in Subsection F shall be permitted but shall not be greater than four (4) square feet. In the event that a judgment, decree, or injunction order declaring all or a portion of this Section X to be unconstitutional or otherwise unlawful is reversed or vacated by a court of competent jurisdiction, the provisions contained in this Section X shall remain in full force and effect.

R. Enforcement and Sign Removal.

(1) *Inspection* of signs. All signs may be inspected by the Building Commissioner, Building Inspector or someone appointed by them to determine if the sign is insecure, in danger of falling, or otherwise unsafe. Signs may also be inspected to ensure compliance with all provisions of this Chapter.

(2) *Notice to remove unsafe sign.* When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign exists or is installed or maintained in violation of the provisions of this Section X with respect to construction or safety, the owner, person or firm maintaining such sign shall correct the deficiencies or violation or remove the sign within ten (10) days after receiving notice from the City Clerk; provided, however, that if such sign constitutes an immediate danger to the public health, safety or welfare, the Building Commissioner shall order immediate correction or removal of such sign.

(3) *Removal of non-conforming signs.* Any sign which is not erected, constructed, or maintained in accordance with the provisions of this Section X shall be removed by the owner within fifteen (15) days of notice by the City. If the owner fails to act after fifteen (15) days notice to the owner of the property such sign may be removed by the City and the cost thereof charged to the owner of, or person maintaining, such sign.

S. Violations.

The actual costs for correction of violations incurred by the City under the provisions of this Section X shall become a lien upon the property from which the same were removed. The amount of such lien shall be added to the tax roll and collected as unpaid taxes.

SECTION XI. ADMINISTRATION

A. Enforcement

(1) Building Commissioner. The Building Commissioner, or his duly authorized representatives, shall administer and enforce this ordinance. He shall receive applications required by this ordinance, furnish prescribed documents, issue such notices or orders as may be necessary, and maintain copies of records pertaining to zoning within the City of Ladue. All such records shall be open to public inspection at reasonable hours. The official copies of all zoning records shall be retained in the office of the City Clerk. *[Ord. 1595]*

(2) Building Inspector. There is hereby created the position of Building Inspector in and for the City. The Building Inspector shall be appointed by the Mayor with the approval of the Council which shall set the salary for that position. The duties and powers of the Building Inspector shall be those prescribed by the provisions of State law and City Ordinances; they shall include the issuance of authorized permits and occupancy certificates. The Building Inspector shall be responsible for determining that all permits and certificates are in compliance with applicable Ordinances. *[Ord. 1595]*

(3) Permits

(a) It shall not be lawful to construct, alter, repair, remove or demolish, or to commence the construction, grading, alteration, removal or demolition of a building or structure, without first filing with the Building Commissioner an application in writing and obtaining a permit. *[Ord. 1595]*

(b) An application for a permit shall be filed for all activities affecting land, buildings or structures which require a permit as specified in this ordinance, the Building Code of the City of Ladue, or any other applicable city ordinance. The application shall be filed in a form provided by the City of Ladue or meeting its requirements, and a permit received before start of such activity. *[Ord. 1595]*

(c) The Building Commissioner shall not issue any building permit for any building or structure subject to Site Development Plan review unless the building or structure is in substantial compliance with the approved plan. *[Ord. 1531]*

(4) Certificate of Occupancy

(a) No change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new, reconstructed or altered building be occupied for any purpose other than single-family dwelling use until a Certificate of Occupancy has been issued by the Building Inspector. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this ordinance.

(b) Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(c) A Certificate of Occupancy shall be required of all nonconforming uses. Applications for such certificate for nonconforming uses shall be filed within 12 months from the effective date of this ordinance.

(d) The Building Commissioner shall not issue any Certificate of Occupancy for any building or structure built pursuant to an approved Site Development Plan unless that building or structure is in substantial compliance with the approved Plan. *[Ord. 1531]*

(5) Excavation Permit *[Ord. 1595]*

(a) When a permit is required under Section II. A. (7), an application shall be filed with the Building Commissioner indicating existing and proposed contours of the improvements.

(b) No permit for excavation for any building within the G or H Districts shall be issued before application has been made for Certificate of Occupancy.

B. Records of the Building Commissioner

The Building Commissioner shall retain records of the following:

(1) Permits

(a) Copies of building permits.
(b) Copies of plats when they accompany building permits.

(2) Certificates of Occupancy
(a) Copies of Certificates of Occupancy.
(b) Copies of Temporary Certificates of Occupancy.
(c) Copies of Certificates of Occupancy for non-conforming uses.

(3) Excavation Permits
Excavation permits for building.
Permits for grading.

(4) Special Use Permits
Applications for special use permits.
Copies of letters of notification to neighbors within 185 feet of the special use permit.
Copies of the reports by the Zoning and Planning Commission on special use permits.
Copies of the Civic Improvements Committee reports on special use permits.
Copies of legal newspaper publications on special uses.
Copies of minutes of the City Council public hearings on special use permits.
Copies of special use permit.

(5) Amendments
(a) Copies of minutes of City Council meeting in which an ordinance or a map change was initiated by the Council.
(b) Petitions for amendment to the Zoning Ordinance.
(c) Copies of notifications to neighbors affected by the amendment.
(d) The report of the Zoning and Planning Commission.
(e) Copies of the legal newspaper publications on the amendments.
(f) Copies of the minutes of the public hearing by the City Council on the amendment.
(g) Copies of the amendment in ordinance form and/or in map form.

(6) Adjustments

(a) Copies of applications to the Board of Adjustment.
(b) Copies of notices to property owners affected by the appeal.
(c) Filing of one copy of the minutes of the hearing held by the Board of Adjustment.
(d) Copies of the adjustment allowed by the Board.

(7) Current Ordinance

It shall be the duty of the Building Commissioner to retain a copy of the Zoning Ordinance and all amendments and special use permit amendments. On January 1st of each year, the Building Commissioner shall update the zoning ordinance, indicating all amendments and special use amendments.

(8) District Map

It shall be the duty of the Building Commissioner to retain the official copy of the Zoning District Map. On January 1st of each year, the Building Commissioner shall have the Zoning District Map revised in accordance with all zoning amendments based upon zoning changes by the City Council during the previous year. A copy of the Zoning District Map shall be posted for public inspection in the City Hall at all times.

SECTION XII. ARCHITECTURAL BOARD

No building shall be erected, reconstructed, structurally altered or changed so as to affect its outward appearance until the provisions of Article III of Chapter 31 have been complied with.

SECTION XIII. CHANGES AND AMENDMENTS

The City Council may from time to time, on its own motion or on petition, after at least fifteen days public notice published in a paper of general circulation in the City, and hearings as provided by law, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established, after submitting same to the City's Zoning and Planning Commission for its recommendations and report. In case, however, that the City's Zoning and Planning Commission disapproves the change, or of a protest against such changes duly signed and acknowledged by the owners of thirty percent or more, either of the area of land (exclusive of streets and places) included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the City Council. An applicant petitioning for a zoning change shall pay a filing fee in the amount required by ordinance to the City Clerk at the time the notice is filed, which the City Clerk shall forthwith pay over to the City Treasurer to the credit of General Revenue Fund of the City of Ladue. No subsequent petition requesting a zoning change with respect to the same property or any part thereof, whether or not filed by the same petitioner, shall be accepted for review until the expiration of eighteen months after final action by the City Council on a prior petition, or after the withdrawal or abandonment of such petition at any time after the Zoning and Planning Commission has voted on the matter, unless the City Council determines to waive this limitation because of a material change in the relevant circumstances or in the nature of the petition. . *[Ord. 1379, 1637]*

SECTION XIV. LANGUAGE AND DEFINITIONS

For the purpose of this ordinance, the general rules for interpreting language and the definitions of certain terms and words are as follows:

Unless the context clearly shows otherwise, words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the word "structure" includes the word "building", and the word "shall" is mandatory and not directory. *[Ord. 1595, 1637]*

Accessory Building. A building, separate and detached from the main building, the use of which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area and extent to the principal use served; and is located on the same lot as the principal use. *[Ord. 1595]*

Accessory Structure or Use. A structure or use, which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, and extent to the principal use served; and is located on the same lot as the principal use. [Ord. 1595]

Alternative Support Structure. A structure other than a communication tower that may support one or more communication antennae, including, but not limited to, a building, light pole or utility pole. {Ord. 1752}

Antennae. *Ordinance 1698 creates the following definitions:*

Accessory Antennae. Antennae and supporting structure attached to a building or located on the same lot as a building, designed and used for an amateur radio or citizen band radio (including such antennae used for transmitting and receiving), a similar communication device that only receives a radio frequency (RF) signal or any receive-only home television antenna.

Communication Antennae. Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to VHF and UHF television; FM or AM radio; two-way radio, cellular telephone, personal communications services (PCS) or other wireless telephony, fixed point microwave, low power television, or other similar wireless communications and common carriers. This definition does not include small satellite dish antennae that only receive a signal, any other receive only antenna including a satellite earth station, any receive-only home television antenna, or any accessory antenna as herein defined which does not exceed 35 feet in height.

Concealed Communication Antennae. Communication antennae, as defined in this Section XIV., which are completely contained within a church steeple or other structure and not visible from outside such structure.

Communication Tower. A freestanding structure designed for the support of one or more communication antennae and including guyed towers, self-supporting (lattice) towers or monopoles. This definition shall also include any tower, column or similar structure mounted on the roof of a building and exceeding 15 feet in height above the level of the roof at the point of attachment which is designed for the support of one or more communication antennae. This definition shall not include any structure of 35 feet or less in height owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

Communication Tower Operator. Any person or entity that owns or has a legal interest in a communication tower, as defined in this Section XIV., subject to the requirements of this ordinance and the owner of land upon which a communication tower is located or is proposed to be located pursuant to a pending application. This definition specifically excludes any person or entity who is permitted to place particular equipment on a communication tower but otherwise has no ownership or general possessory interest in the communication tower.

Panel Antennae. Antennae or an array of antennae designed to concentrate a radio signal in a particular area. Panel antennae are basically flat, rectangular devices approximately six square feet in size and are commonly referred to as directional antennae.

Satellite Dish Antennae. Devices or structures used to transmit and/or receive radio, television or electromagnetic waves or signals between terrestrially and/or orbitally based uses through a reflective surface that is solid, open mesh or bar configured and generally is in the shape of a shallow dish, cone, horn, or cornucopia. This definition includes, but is not limited to, satellite earth stations, television-reception-only (TVROs), and satellite microwave antennae.

Stealth Communication Tower. A communication tower, as defined in this Section XIV. which is designed to blend in with the surrounding environment and which conceals all communication antennae and other equipment from view. A stealth communication tower may be designed to resemble a flag pole or other object.

Whip Antennae. Antennae that are cylindrical in shape, less than six inches in diameter, up to 18 feet in height, and transmit signals in a 360 degree direction. Also commonly referred to as omnidirectional, stick or pipe antennae.

Automotive Sales. The sale of new or used vehicles, motor homes, trailers, recreational vehicles, motorcycles and farm implements. This definition does not include the sale of automotive parts, yard care equipment and bicycles. *(See also Service Stations.)*

Basement. A level of a building partly or wholly underground which is capable of being subdivided and used for dwelling or business purposes. *[Ord. 1815]*

Berm. A bank of earth with sloping sides not supported by a retaining wall or other structure. {Ord. 1752}

Building. A structure as herein defined which has any combination of walls and a roof. *(See Structure.)*

Building, Height of. The vertical distance measured from the lowest point of original grade or lowest point of finished grade, whichever is lower, to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the highest ridge line for gable, hip and gambrel roofs. [Ord. 1649, Ord. 1939]

Clinic. An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians, surgeons or dentists practicing together, or any outpatient surgical center (not including dental surgery.)

Concept Site Plan. A basic plan for the development or redevelopment of a commercially- or industrially-zoned parcel of land exceeding one (1) acre in size indicating the location of existing

and proposed buildings and structures, the location ad dimensions of the parcel and other basic information as required in Section VIII of this Ordinance. *[Ord. 1372. Editor's Note: Ord. 1595 amends one (1) acre to two (2) acres.]*

District. One or more sections of the City of Ladue for which the regulations governing the height, area, and use of buildings and premises are the same.

Dwelling. Any building or portion thereof which is designed or used exclusively for residential purposes.

Family. (a) One or more persons related by blood, marriage or legal adoption, or (b) any number of persons so related plus one unrelated person, or, (c) two unrelated persons, occupying a dwelling unit as an individual housekeeping organization.*[Ord. 1697]*

Fence. Materials forming a barrier between portions of a lot or between lots, or between a lot and a street.

Flag Lot. A lot that has no frontage or which does not have the minimum frontage as required by the zoning ordinance, and where access from the lot to the street or private road is by a narrow corridor connecting the bulk of the lot to the street or private road. *[Ord. 1637]*

Flood-Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

Flood Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course or regulatory flood-hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Floor Area. The gross horizontal enclosed areas of the several floors measured from the interior faces of the walls enclosing the building, but excluding portions of basements that are to be used only for parking purposes.

Freestanding Lighting Fixture. Any structure to which a light is attached, including but not limited to a pole, pylon or tree, but not including a building. {Ord. 1842}

Frontage. The dimension of a lot measured along the right-of-way line of a street or accessible private road which abuts or traverses such lot. *[Ord. 1620]*

Frontage, Required Minimum. The minimum permissible dimension of a lot as measured along the right-of-way line of the street or private road which abuts or traverses such lot and affords the principal means of public access thereto. In the case of any lot to which the principal means of public access is provided by a circular cul-de-sac, the "Required Minimum Frontage" means the minimal permissible length of the arc (or any extension thereof) of the outer circumferential right-of-way line of the street or private road forming the cul-de-sac measured between its points of intersection with the property lines of such lot. *[Ord. 1620]*

Garage, Private. Any building or portion thereof designed or used for vehicle storage only.

Gate. A structure that can be swung, drawn, or lowered to block a driveway or roadway.

Grass pavers. A type of surface covering in which plastic rings in a flexible grid system are placed on a base of blended sand, gravel and topsoil, then filled with topsoil and planted with vegetation. This pavement gives designers a turfgrass alternative to asphalt or concrete for such low-traffic areas as firelanes, overflow and event parking, golf cart paths, residential driveways, and maintenance and utility access lanes. The support base and the rings' walls prevent soil compaction and reduce rutting and erosion by supporting the weight of traffic and concentrated loads, while the large void spaces in the rings allow a strong root network to develop. The end result is a load-bearing surface covered with natural grass and which is typically around 90% pervious, allowing for stormwater pollution filtration and treatment. [Ord. 2148]

Gravel Pavers: Similar to grass pavers, ring structures are used, but the voids in the rings are filled with gravel in order to provide greater load bearing support for unlimited traffic volumes and/or parking durations. Manufacturers provide specifications on the sieve analysis that should be used to generate the clean gravel fill for the rings, and a geotextile fabric is used to prevent the gravel infill from migrating to the soil subbase. This pavement option is intended for high frequency, low speed traffic areas. [Ord. 2148]

Home Occupation. An accessory use conducted in a single-family dwelling which is (a) clearly incidental and secondary to the use of the dwelling, and does not change the character of the dwelling, and (b) of which there is not indication from the exterior that the dwelling is being utilized in whole or in part for any purpose other than a dwelling and further that:

(1) the home occupation is conducted wholly within the dwelling;
(2) there is no outside storage or display of materials in connection with the home occupation;
(3) is conducted by a member of the family residing on the premises, and one employee;
(4) no signs other than a nameplate normally permitted for a residence;
(5) no commodity is sold of the premises other than that prepared on the premises;
(6) the sale of commodities on the premises will not create more than six trips a day to and from the dwelling by all customers of the home occupation;
(7) the delivery of any materials for the home occupation will not exceed two trips per day by any vehicle not owned by a member of the family; and,
(8) the mechanical equipment used for the home occupation is a size and type that is similar to domestic mechanical equipment or is customarily found in a business office.
(9) short-term rentals shall not be allowed. (Ord. 2164)

Kindergarten, Pre-Kindergarten, Nursery. Any land, building, structure or premises used for educational instruction and/or supplemental parental care for four or more children, either on an hourly or daily basis, with or without compensation.

Loading space. A space for the loading or unloading of vehicles having a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

Lot. A parcel of land occupied or intended for occupancy for a use permitted in this ordinance, and having its principal frontage upon a street or private road.

Lot, Corner. A lot abutting upon the intersection of two or more streets or private roads.

Lot, Double Frontage. A lot having a frontage on two streets or private roads other than a corner lot as defined.

Lot Width. The dimension of the lot measured along the required front yard setback line between its points of intersection with the property lines of such lot. *[Ord. 1620]*

Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of St. Louis County prior to November 21, 1938, or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds prior to November 21, 1938.

Main Building. The building designed and used for the principal permitted use of the lot. *[Ord. 1595]*

Mobile Home or Trailer. Any vehicle for carrying materials, or to function as a dwelling unit and designed to be hauled, propelled or transported along a highway, including camping trailers, house trailers, motor homes, tent trailers, boat trailers, material trailers, and farm wagons.

Motel. Any facility designed to provide short-term rental units to accommodate guests. (Ord. 2164)

Nonconforming Use. A building or land that does not conform to the use regulation of the district in which it is situated.

Nursery School. (See *Kindergarten, Pre-Kindergarten.*)

Parking Space. A surfaced area, enclosed or unenclosed, not less than 9 feet wide and 19 feet long, together with a driveway connecting the parking space with a street, private road or alley, and permitting direct ingress and egress without the necessity of using any other parking space. (Ord. 1844)

Pavement. An area covered with material that provides a firm level surface for travel or other activities. This may include asphalt, concrete, gravel, stone, pavers, or other materials. [Ord. 2148]

Porous/permeable pavers. Interlocking hard materials that do not create a solid block, allowing water to permeate the surface. Drainage openings should comprise at least 10% of the paver's surface area. When properly filled with permeable material, the voids allow for drainage of stormwater through the pavement surface into the layers below. The system is a highly durable, yet capable of supporting heavier vehicular loads than grass or gravel pavers. [Ord. 2148]

Principal Use. The primary or predominant use of a lot or premises occupying the major portion of the main building. *[Ord. 1595]*

Private Club. A building and area used for cultural, recreational or social purposes only, including the serving of food and refreshments, the normal use of which is limited to members of the club and their guests.

Private Road. An open unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Portable Storage Unit (P.S.U.). A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property. (Ord. 1917)

Retaining Wall. A wall of masonry, concrete, polymers or treated timber for holding in place a mass of earth and not used to support, provide a foundation for, or provide a wall for a building. (Ord. 1752)

Screen. Any plants, flowers, shrubbery, hedges, trees, or other growth, fences, walls, retaining walls, structure or any tangible barrier or obstruction of material above the surface of the ground, with the purpose of preventing the view of any object from a level line of sight. The height, width and length of the screen shall be such that no views of the structure, area, vehicle or item to be screened is possible. The screen as herein defined may be located adjacent to the structure, area, vehicle, or item to be screened; may be located anywhere within the same lot or premises, or may be located on the perimeter of the lot or premises, providing that no line of sight from six feet above the ground is possible from off the premises or lot.

Service Station. Any land, building, structure or premises used for the sale at retail of vehicle fuels, lubricants, accessories, or for servicing vehicles or for installing, repairing, replacing or adjusting of motors, bodies, chassis or fenders of vehicles or for painting vehicles, or storage of vehicles including those for lease or rental. (See also *automotive sales*.)

Short–term rental. A property or any portion thereof that is rented for dwelling purposes for a period of less than 30 days. (Ord. 2164)

Sign *[Definition repealed, Ord. 1662. See Section X for definitions.]*

Site Development Plan. A detailed plan for the development or redevelopment of a commercially- or industrially-zoned parcel of land exceeding two (2) acres in size depicting the precise location of all proposed buildings, structures and planting materials, the provision of necessary infra-structure, and other information as required in Section VIII of this ordinance. *[Ord. 1649]*

Stepping Stone Path. A path no more than 2 feet in width made up of multiple stones, each stone separated by at least 2 inches of vegetated material. [Ord. 2148]

Storage. The existence of any stock, vehicle, equipment or material enclosed or unenclosed for a period of more than 72 hours.

Story. That portion of a building between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half. That portion of a building under a gable, hip, mansard, sloping, flat, or any other kind of roof. The top of the walls on at least two opposite exterior walls must be less than four and one-half feet above the finished floor on that level.

Street. A public right-of-way which affords the principal means of access to abutting property.

Structure. Anything constructed, erected or located on or above the ground, or anything specifically enumerated herein, the use of which requires permanent location or which, though movable, is used for a purpose which usually and customarily involves permanent location on or above the ground (including, but without limiting the generality of the foregoing, advertising signs, billboards, fences, parking spaces, driveways, sidewalks, poster panels, tennis courts, pergolas, swimming pools, playground equipment, treehouses, retaining walls, and structures for the housing of animals or fowl). Regulation mailboxes shall not be considered structures as herein defined. *[Ord. 1595, 1752]*

Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or exterior walls.

Waterway Stabilization Wall. A gabion wall or similar structure constructed in or abutting a creek, stream or similar waterway designed to brace the banks of such waterway.{Ord. 1752}

Yard. An open space on the same lot or plat of ground with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard extending across the full width of the lot between the front lot line and the nearest portion of the main building.

Yard, Primary Front. The yard between the front door or main entrance of the main building and a front lot line. {amended by Ord. 1784}

Yard, Rear. A yard extending across the full width of the lot between the rear lot line and the nearest portion of the main building.

Yard, Required. The area or setback distance established by the minimum dimensions in the Table in Section V-B, and measured from the lot line for side and rear yards and from the nearest right-of-way line for front yards. *[Ord. 1595]*

Yard, Side. A yard between a side lot line and the nearest portion of the main building, extending from the required front yard to the rear lot line. *[Ord. 1649]*

Vehicle, Non-commercial Automotive. Any passenger automobile of 1½ tons or less or truck not used in the conduct of any business.

SECTION XV. VIOLATION AND PENALTY

The owner or agent of a building or premises in or upon which a violation of any portion of any provision of this ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more than one-hundred dollars for each and every day that such violation continues, but if the offense be willful, on conviction thereof the punishment shall be a fine of not less than one-hundred dollars nor more than two-hundred-fifty dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion of the Court. Any such person, having been served with an order to remove any such violation, failing to comply with said order within ten days after such notice or continuing to violate any provision of the regulations made under authority of this ordinance in the respect named in such order, shall also be subject to a civil penalty of two-hundred and fifty dollars.

SECTION XVI. VALIDITY

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

SECTION XVII. PRIOR ORDINANCES REPEALED, including:

Ordinance 917 adopted April 3, 1967, together with amendatory ordinances 958, 966, 1007, 1009, 1030, 1033, 1041, 1093, 1122, 1125, 1127, and 1142.

SECTION XVIII. DATE OF ADOPTION

This ordinance shall be in force from and after its passage and approval.

PASSED THIS 25TH DAY OF JULY, 1977.

(Signed) EDITH J. SPINK
MAYOR

APPROVED THIS 27TH DAY OF OCTOBER, 1977.

(SEAL)

(Signed) EDITH J. SPINK
MAYOR

ATTEST:

(Signed) VINCENT E. KOMOR,
City Clerk

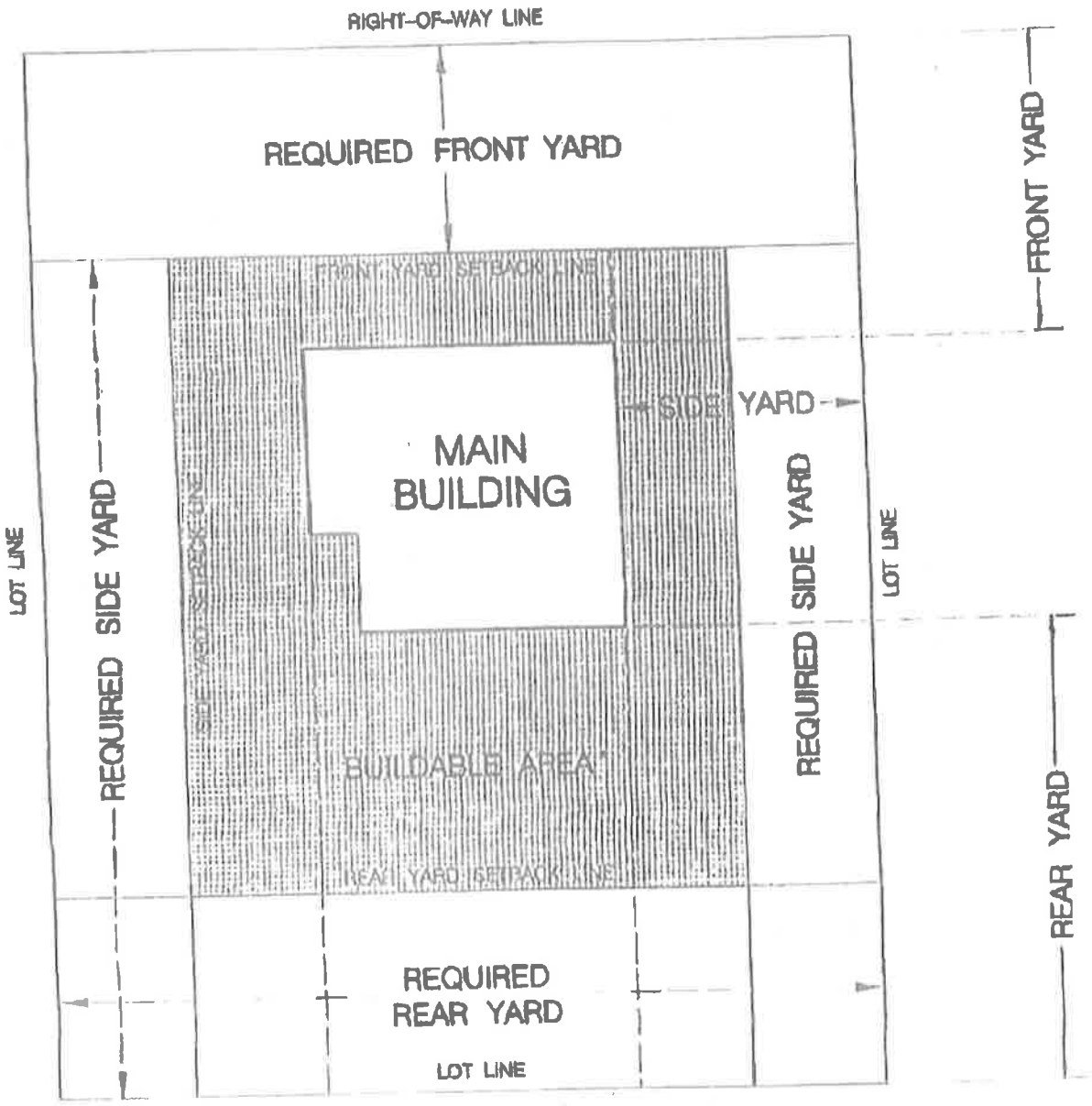

Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot

* Buildable Area is Shaded