

Chapter 405

ZONING AND SUBDIVISION REGULATIONS

ARTICLE I
Title, Application and Purpose

Section 405.010. Title. [R.O. 2007 § 405.010; Ord. No. 1523 § 1.0100, 5-11-1989]

This Chapter shall be known and may be cited as "The City of St. Peters, Missouri, Zoning and Subdivision Codes.

Section 405.020. Application. [R.O. 2007 § 405.020; Ord. No. 1523 § 1.0200, 5-11-1989]

The legislative body of all Cities, Towns and Villages is empowered to zone "for the purpose of promoting health, safety, morals or the general welfare of the community".

"Such regulations shall be... designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with... a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality."

Section 405.030. Purpose. [R.O. 2007 § 405.030; Ord. No. 1523 § 1.0300, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991]

In order to promote the health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure proper use of land; to facilitate adequate and economical public improvements and services; and to lessen or avoid congestion on the public streets; the following regulations and zones are imposed throughout the corporate limits of the City of St. Peters, Missouri.

Section 405.040. Exemption. [R.O. 2007 § 405.040; Ord. No. 1523 § 1.0400, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991]

The City of St. Peters shall be exempt from the zoning and subdivision regulations contained in this Chapter with respect to any property owned and operated by the City of St. Peters.

ARTICLE II
District Boundaries and Maps

Section 405.050. Purpose. [R.O. 2007 § 405.050; Ord. No. 1523 § 2.0100, 5-11-1989]

In order to regulate and restrict the location and use of buildings and land for residence, trade, industry, and other purposes; to regulate and restrict the location, height and size of yards and other open spaces and the density of population, the following zoning districts are hereby established.

Section 405.060. Zones. [R.O. 2007 § 405.060; Ord. No. 1523 § 2.0200, 5-11-1989; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3580 § 1, 1-10-2002]

A. Be it ordained by the Governing Body of the City of St. Peters, Missouri, that the following zones and regulations be imposed within the incorporated limits of said City:

1. "A-1" Agricultural District.
2. "R-1" Single-Family Residential District.
3. "R-1(A)" Single-Family Residential District.
4. "R-2" Two-Family Residential District.
5. "R-3(A)" and "R-3(B)" Multiple-Family Residential District.
6. "R-M" Mobile/Modular Home Residential District.
7. "P-1" Public Park Ground District.
8. "S-D" Special Old Town Overlay District.
9. "C-1" Neighborhood Commercial District.
10. "C-2" Community Commercial District.
11. "C-3" General Commercial District.
12. "C-4" Regional Shopping Center District.
13. "CPD" Commercial Planned District.
14. "I-1" Light Industrial District.
15. "I-2" Heavy Industrial District.
16. "PUD" Planned Urban Development District.
17. St. Peters Centre Special District.

Section 405.070. Zoning District Map. [R.O. 2007 § 405.070; Ord. No. 1523 § 2.0300, 5-11-1989]

The Zoning Districts are bounded and defined as shown on a map entitled "Zoning District Map for the City of St. Peters, Missouri", adopted by the Board of Aldermen and certified by the City Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Chapter.

Section 405.080. Rules For Interpretation Of District Boundaries. [R.O. 2007 § 405.080; Ord. No. 1523 § 2.0400, 5-11-1989]

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:
1. Where district boundaries on the Zoning Map are indicated approximately following the centerlines of streets, streams, highways, or railroads, such boundaries shall be deemed to be located at such midpoints.
 2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, center section lines, quarter section lines, quarter/quarter section lines; such lines shall be construed to be said boundaries.
 3. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of St. Peters unless otherwise indicated.

ARTICLE III
Compliance With Regulations

Section 405.090. Compliance. [R.O. 2007 § 405.090; Ord. No. 1523 § 3.0100, 5-11-1989]

A. Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered:
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area; or
 - d. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of a yard or other open space similarly required for another building.

ARTICLE IV

Definitions

Section 405.100. Definitions And Rules Of Construction. [R.O. 2007 § 405.100; Ord. No. 1523 § 4.000, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 1752 § 1, 5-9-1991; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3039 § 1, 5-13-1999; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 4237 § 1, 3-10-2005; Ord. No. 4554 § 1, 6-22-2006; Ord. No. 5132 § 1, 1-8-2009; Ord. No. 5339 § 1, 2-25-2010; Ord. No. 5466 § 1, 8-26-2010; Ord. No. 5486 § 1, 10-14-2010; Ord. No. 5563 § 1, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 1, 4-30-2012; Ord. No. 5756 §§ 1 — 2, 5-24-2012; Ord. No. 5956 § 2, 7-25-2013]

A. Rules Of Construction. For the purposes of this Chapter, certain rules of construction apply to the text, as follows:

1. Words in the singular number include the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the future and past tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" includes the word "structure" and "structure" includes "building".
5. The words "designed for" includes the words "used for" and "used for" includes "designed for".
6. The word "dwelling" includes the word "residence" and "residence" includes "dwelling".
7. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning and customary usage.

B. For the purposes of this Chapter, certain terms and words are hereby defined as follows:

ABUTTING — To have a common zoning district boundary or zoning lot boundary. For the purposes of this Chapter, a zoning lot line shall be considered to abut a zoning district line even though it may be separated therefrom by a street, parkway, sidewalk, public way, alley waterway, railroad right-of-way or portion thereof. "Adjacent", "adjoining" and "contiguous" shall have the same meaning as "abutting".

ACCESSORY EQUIPMENT — Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]

ACCESSORY USE — A use customarily incidental, subordinate to, and located on the same lot as the principal use.

ADMINISTRATIVE OFFICE OR OFFICER — An office or individual having specific authority to administer the regulations within this Chapter.

ADULT-ORIENTED BUSINESS, BOOKSTORE, VIDEO STORE OR PEEP SHOW — A business establishment which, as its principal purposes, offers for sale, rental, display or viewing for any form of consideration any one (1) or more of the following:**[Ord. No. 6599 § 4, 8-25-2016]**

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, computer disks, or other visual representations which depict or describe acts of sexual conduct or persons in a state of nudity or semi-nudity.
2. Instruments, devices, or paraphernalia which are designed for use in connection with acts of sexual conduct.
3. Business establishment where for any form of consideration, films, motion pictures, videocassettes, slides, computer disks, or similar photographic reproductions are regularly shown which are characterized by the depiction of acts of sexual conduct or persons in a state of nudity or semi-nudity.
4. A business establishment where for any form of consideration dancing or viewing of live nude or semi-nude men or women is conducted.
5. Such uses as described above shall not be considered adult for the purpose of being required to locate within an industrial zoning district if all of the following criteria are met:
 - a. The sale of merchandise depicting or describing acts of sexual conduct or persons in a state of nudity or semi-nudity is an accessory use to a non-adult-oriented business.
 - b. All merchandise depicting or describing acts of sexual conduct or persons in a state of nudity or semi-nudity is packaged for sale and use off of the premises with no adult-oriented activity taking place on the premises.
 - c. The area in which merchandise depicting or describing acts of sexual conduct or persons in a state of nudity or semi-nudity is located is completely screened from public view and occupies no more than twenty-five percent (25%) of the general sales area of the business.

AGRICULTURAL USE — The growing of crops or the raising of livestock or poultry in such a manner that they are incidental to the acreage farmed, provided however, that such land shall consist of at least ten (10) acres in one (1) parcel or in continuous parcels under common ownership or operation. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall the raising of fur-bearing animals, riding academies, livery or boarding stables or animal shelters be so considered.

ALL-TERRAIN VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an

unladen dry weight of one thousand five hundred (1,500) pounds or less, traveling on three (3), four (4) or more non-highway tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one (1) person and handlebars for steering control.

ALLEY — A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

ALTERATION — As applied to a building or structure means a change or rearrangement in the structural parts; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

APARTMENT — A room or suite of rooms within a building, provided with separate cooking facilities and intended as a single-dwelling unit.

ANTENNA — Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]

BAR/TAVERN — A place of business where people gather to drink alcoholic beverages; food service may also be provided.

BASEMENT — That portion of the building which is completely below ground or which is partly above and partly below ground, but having more than one-half (1/2) of its height below grade. (See "CELLAR")

BASE STATION — A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment.[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]

BICYCLE PATH — A paved area a minimum of six (6) feet in width designed specifically for the movement of pedestrians and non-motorized cyclists.

BLOCK — A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.

BOARD OF ADJUSTMENT — A body of persons which may determine and vary this Chapter in accordance with the rules contained within the Board of Adjustment Section of this Chapter.

BOAT — All types of boats designed to be used in or on water, plus the normal equipment to transport the same on the highway.

BODY PIERCING — The perforation of human tissue other than an ear for a non-medical purpose.

BREW PUB — A pub or restaurant that brews beer primarily for consumption on the premises.

BUILDING — Any structure used or intended for supporting or housing any use or occupancy.

BUILDING, ACCESSORY — A building customarily incidental, subordinate to and located on the same lot with the main building. Any building that is customarily incidental to an agricultural use is an accessory building, even though it may not be located in the same immediate area as the main building. Accessory buildings shall not be inhabited as a living unit.

BUILDING, DETACHED — A building surrounded by open space.

BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable hip and gambrel roofs.

BUILDING LINE — A line parallel to the street right-of-way line beyond which a building shall not extend closer to the street.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, TEMPORARY — Any building not designed to be permanently located at the place where it is or where it is intended to be temporarily placed or affixed.

CAMOUFLAGED — Any wireless support structure that is designed to blend into the surrounding environment. Examples include wireless support structures which are made to look like trees, light poles, or flagpoles. **[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]**

CASH SALE PRICE — The price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle which is the subject matter of the retail installment contract, if the sale had been a sale for cash or at a cash price instead of a retail installment transaction at a time sale price. The cash sale price may include any taxes, registration, certificate of title, license and other fees and charges for accessories and their installment and for delivery, servicing, repairing or improving the motor vehicle.

CELLAR — That portion of the building which is partly or completely below grade and having an external entrance only. (See "BASEMENT")

CHILD — An individual who is under the age of seventeen (17), and the word "children" means and includes more than one (1) such individual. (See "DAY CARE")

COLLOCATION — The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities. **[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]**

COMMERCIAL — A business whose principal purpose is designed for profit.

COMMERCIAL VEHICLE —

1. Any licensed motor vehicle, truck, or bus designed to carry passengers, freight, and/or merchandise for the purpose of this Chapter; said vehicle shall be a vehicle licensed by the State at a gross vehicular weight in excess of twelve thousand (12,000) pounds or in any case exceeding twenty-four (24) feet in length; or
2. Any licensed motor vehicle, truck, or bus designed to carry passengers, freight, and/or merchandise including any vehicle larger than a standard full size passenger/conversion van or one-half (1/2) ton pickup truck. Commercial vehicles shall include but not be limited to "panel" delivery trucks, "cube trucks", dump trucks, street cleaners, or other vehicles/equipment typically designed for delivery, hauling, or construction purposes.
3. Standard size passenger vans and pickup trucks used for commercial purposes shall be maintained in an orderly fashion with all materials, equipment, and accessories screened from public view. Ladders shall be exempt from such screening requirements.

COMMISSION — The Planning and Zoning Commission of the City of St. Peters.

COMMON LAND OR GROUND — That land set aside for open space or recreational use for the owners of the residential lots in a subdivision and which is transferred by the developer in fee simple absolute title by a deed or instrument of dedication or conveyance to trustees whose trust indenture shall provide that common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his/her interest in the common land except as an incident of the ownership of a regularly platted lot. Common ground shall not be construed to mean public open space. (See "OPEN SPACE, PUBLIC.")¹

COMPREHENSIVE PLAN — A long-range master plan for area development including studies of land use, traffic volume and flow, schools, parks, and other public buildings and as defined by the Missouri State Statutes.

CONDOMINIUM — A form of ownership in which the interior space of a living unit is held by an individual owner, with all individual owners sharing in the ownership of common areas.

CORRECTIONAL INSTITUTION — A generic term describing prisons, jails, reformatories and other places of correction and detention.

DAY CARE — Care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care may be given in a day care home or a day care center.

DAY CARE CENTER — A facility other than the provider's living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

DAY CARE FACILITY — A day care home or a day care center, whether known

1. Editor's Note: The definition of "communications tower," which immediately followed this definition, was repealed 7-24-2014 by § 1 of Ord. No. 6184, and 8-14-2014 by § 1 of Ord. No. 6195.

or incorporated under another title or name.

DAY CARE FACILITY, ADULT — The care of an adult away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Day care is a voluntary supplement to the person's regular home activities and/or a designated guardian's responsibility for the person's protection, development, and supervision. Day care may be given in a day care home or day care center subject to any applicable regulations or approvals.

DAY CARE HOME — A family home, occupied as a permanent residence by the day care provider, conducted or maintained by any person who advertises or holds himself/herself out as providing care for less than five (5) children or adults during the daytime, and in which family-like care is given and who are not related to the day care provider, for any part of the twenty-four (24) hour day. Related persons that are cared for by the day care provider who do not reside in the day care home shall be counted towards the maximum permitted number of persons.**[Ord. No. 7192, 8-22-2019]**

DEDICATION — The allocation of land within the development for the park/bike trail and open space enjoyment of the residents of the City or the residents of the development.

DENSITY — The number of dwelling units located on an acre of land, in which the land area excludes all but that land devoted to living facilities, the accessory uses thereon, and the required open space thereon.

DENSITY, GROSS — The ratio between the total number of dwelling units on a zoning lot and the total zoning lot area measured in acres — result being the number of dwelling units per gross acre.

DENSITY, NET — The ratio between the total number of dwelling units on a zoning lot and that portion of the zoning lot upon which the dwelling units are actually located or proposed — the result being the number of dwelling units per net acre. In determining net density, all land area associated with and accessory to the dwelling unit, including private streets and driveways, off-street parking facilities and common open space and recreational facilities, shall be included in the calculation. Net density calculations exclude rights-of-way of publicly dedicated streets and non-residential structures, land uses and accessory facilities.

DEVELOPER — Any individual, firm or corporation by whom a tract will be subdivided into not less than two (2) parcels or lots and/or improved to the requirements of the Chapter.

DEVELOPMENT — The act of changing as well as the state of a tract of land after its function has been purposely changed by man, including, but not limited to, structures on the land and alterations to the land.

DUMP — A lot or land or part thereof used primarily for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind by abandonment, dumping, burial, burning, or by any other means.

DWELLING, ATTACHED — A dwelling joined to two (2) other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

DWELLING, DETACHED — A dwelling which is surrounded on all sides by open spaces on the same zoning lot.

DWELLING, SINGLE-FAMILY — A detached building containing one (1) dwelling unit, provided however, notwithstanding any other provision of this Code to the contrary, for purposes of this Chapter a group home shall be included within the definition of a single-family dwelling.

DWELLING, TWO-FAMILY — A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one (1) dwelling unit above the other), or a semi-detached dwelling (one (1) dwelling unit beside the other).

DWELLING, TOWN HOUSE — A building containing three (3) or more dwelling units having no common entrances or hallways with each dwelling unit having a front and rear entrance.

DWELLING UNIT — A room or group of rooms occupied or intended to be occupied as separate living quarters by a family.

EAR PIERCING — The perforation of the ear for a non-medical purpose.

EASEMENT, UTILITY — A grant by a property owner to a municipal utility, corporation or person engaged in the operation of an enterprise regulated by the Missouri Public Service Commission for the purpose of installation, improvement and maintenance of public utilities.

EASEMENTS, ROAD MAINTENANCE AND IMPROVEMENTS — A grant by a property owner to the City, County, or State for the purpose of road maintenance, improvement and widening.

EFFICIENCY UNIT — A dwelling unit consisting of one (1) room exclusive of bathroom, hallway, closets or dining alcove directly off the principal room.

ELECTRICAL TRANSMISSION TOWER — An electrical transmission structure used to support high-voltage overhead power lines. The term shall not include any utility pole.[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]

ELEEMOSYNARY — Devoted to charitable purposes.

ELIGIBLE FACILITIES REQUEST — Any request for modification of an existing structure or base station that involves:[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]

1. Collocation, as defined herein;
2. Removal of accessory equipment; or
3. Replacement of wireless facilities.

ENGINEER, CITY — The duly designated engineer of the City.

EQUIPMENT COMPOUND — An area surrounding or near a wireless support structure within which are located wireless facilities.[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]

EQUIPMENT, HEAVY — Heavy equipment refers to heavy-duty vehicles, equipment, or tools, specially designed for executing construction tasks, landscape

projects, or commercial lawn mowing, most frequently ones involving earthwork operations; equipment not typically found in a residential setting. They are also known as heavy machines, heavy trucks, construction equipment, engineering equipment, heavy vehicles, or heavy hydraulics.[**Ord. No. 6865, 11-9-2017**]

ESCROW HOLDER/DEPOSITORY — A financial institution whose deposits are Federally insured by the United States of America.

EXISTING STRUCTURE — A structure that exists at the time a request to place wireless facilities on a structure is filed with the Administrative Officer. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with the building permit requirements in Title V of the Municipal Code of the City of St. Peters, Chapter 510 of the Municipal Code of the City of St. Peters, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

FAMILY — One (1) or more persons related by blood, marriage, adoption, guardianship or duly authorized custodial relationship or two (2) unrelated people and any children related to or legally cared for by either of them.

FARM — A tract of land having thereon an agricultural use.

FARM EQUIPMENT — Equipment used in farming operations, including, but not limited to, tractors, plows, planters, pickers, milking machines, harvesters, cultivators, combine harvesters, and combines.[**Ord. No. 6249 § 1, 10-23-2014**]

FENCE — See "Supplementary Regulations", Article VI, Section 405.360.

FILLING STATION, PUBLIC GASOLINE — Any area of land, including any structure or structures thereon that is or are used or designed to be used primarily for the supply of gasoline or oil or other fuel for the propulsion of vehicles.

FIREARM — Any weapon that is designed or adapted to expel a projectile by the action of an explosive.[**Ord. No. 6598 § 5, 8-25-2016**]

FLOOD HAZARD BOUNDARY MAP (FHBM) AND FLOOD INSURANCE RATE MAP (FIRM) — An official map of the City of St. Peters on which the Flood Insurance Study has delineated the flood hazard boundaries and the zoning establishing insurance rates applicable to the City.

FLOOD INSURANCE STUDY — An official report provided by the Federal Insurance Administration containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOOR AREA — The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

FRONTAGE — All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the right-of-way line of the street, or if the street is dead-ended, then all the property abutting on one (1) side between an intersecting street and the dead-end of the street.

FULLY OPAQUE COVERING — Non-transparent clothing or other similar object or substance. This term does not include body paint, body dyes, body art, liquid latex, whether wet or dried, and other similar substances. **[Ord. No. 6599 § 4, 8-25-2016; Ord. No. 7405, 12-17-2020]**

GARAGE, PRIVATE — An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.

GARAGE, PUBLIC — Any garage that is not classified as a private garage and is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles. However, a "public garage" shall not be used for the storage of dismantled motor vehicles or junk cars.

GAS PIPELINE — A pipeline designed for the transmission of a gas or petroleum gas, except a service line, as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3.

GRADE, FINISHED — The elevation of the surrounding ground after landscaping has been completed.

GRADE, ROAD, SEWERS — In the slope of a road specified in percent and shown on road profile plan as required herein.

GREEN BELT — A visual barrier composed of evergreen plants, trees, and grass arranged to form both a low level and a high level screen.

GROUP HOME — Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

HAZARDOUS LIQUID PIPELINE — A pipeline designed for the transmission of a hazardous liquid as defined by Title 49, Code of Federal Regulations, Section 195.2.

HEREAFTER — After the time this Chapter becomes effective.

HERETOFORE — Before the time this Chapter became effective.

HOME OCCUPATION — An occupation or profession which is customarily carried on entirely within the residential dwelling unit by a member of the family residing in the dwelling unit which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and which conforms to the standards and provisions provided in the Supplementary Regulations of this Chapter. (Article VI, Section 405.380)

HOSPITAL — A building used for the diagnosis, treatment or other care of human ailments and having room facilities for overnight medical patients, a staff of physicians and nurses, surgical facilities, and other related services.

HOUSEHOLD UNIT — One (1) or more persons related by blood, marriage, adoption, guardianship or duly authorized custodial relationship or two (2) unrelated people and any children related to or legally cared for by either of them.**[Ord. No. 7458, 6-24-2021]**

IMPROVEMENTS — Grading, sanitary and storm sewer, water mains, pavements, curbs and gutters, sidewalks, road signs, lights, trees and other appropriate improvements required to render land suitable for the use proposed.

JUNK YARD — A lot, land or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

KENNEL — The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats; or the keeping of four (4) or more dogs over six (6) months of age, or the keeping of four (4) or more cats over six (6) months of age, or the keeping of a total of four (4) adult dogs or adult cats.**[Ord. No. 7192, 8-22-2019]**

The word "selling" as herein used shall not be construed to include the sale of animals six (6) months in age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over six (6) months old by persons not operating a kennel as herein defined.

In addition to the three (3) permitted pet units, a residential structure or lot may contain two (2) additional pets that are being fostered. To be recognized as a fostered pet the animal must be obtained from an animal shelter registered by the Missouri Department of Agriculture through the Animal Care Facilities Act.

A litter of puppies or a litter of kittens are exempted from the pet limit calculation until the pets reach the age of four (4) months. Only one (1) litter of either puppies or kittens is exempted from the pet limit calculation at any time.

A residence that has been issued a Domestic Animal Avocation Permit, per Section 205.010 of the City Code, shall be subject to the limits and regulations outlined in Section 205.070 — 205.115 of the City Code.

INDOOR — A facility where the primary holding pens for the animal and all associated noise, odors, and other activities associated with the business are primarily contained within a closed building.

OUTDOOR — A facility where the primary holding pens for the animal may be either inside or outside of a closed building. "Primary holding pens" shall include, but not be limited to, fenced pens, outside runs, and training areas.

LAUNDRY OR DRY CLEANING ESTABLISHMENT — A building or part thereof where employees provide a service of washing, cleaning, drying and ironing clothes or other articles.

LOADING SPACE — An off-street space on the same lot with the building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

LODGING ESTABLISHMENT — Any building, group of buildings, structure,

facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.

LOT — Land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this Chapter, and having its principal frontage upon a street, or a place approved by the Commission.

LOT, AREA — The total horizontal surface area within the boundaries of a lot exclusive of any area designated for street purposes.

LOT, CORNER — A lot, or portion thereof, situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred thirty-five degrees (135°).

LOT, DEPTH — The average distances between the front and rear lot lines.

LOT, INTERIOR — Any lot other than a through or corner lot.

LOT LINE, FRONT — The line separating the lot from the right-of-way of the street on which it fronts.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE — Any lot line between the front yard and rear yard area.

LOT OF RECORD — A lot shown upon a plat or on a deed recorded in the office of the Recorder of Deeds of St. Charles County, Missouri.

LOT, THROUGH — A lot other than a corner lot which has a street on two (2) opposite sides of the lot.

LOT WIDTH — The horizontal distance between side lot lines, measured at right angles to the lot depth at the building lines.

MAJOR STREET PLAN — The official plan of highways, primary and secondary thoroughfares, parkways and other major streets, including collector streets, recommended by the Planning and Zoning Commission and adopted by the Board of Aldermen.

MANUFACTURER — Any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembler in connection with the distribution of new motor vehicles or accessories for motor vehicles.

MICROBREWERY — A business establishment where the manufacturing of beverages, food sales, beverage sales, and on-site food and beverage service occurs on a regular basis. Public viewing of the beverage manufacturing may be a component of these operations.

MOBILE HOME OR HOUSE TRAILER — Any structure used for living or sleeping purposes, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place.

MOBILE/MODULAR HOME PARK — Any area, tract, site or plot of land not less than ten (10) acres in total area whereupon mobile/modular homes as herein defined are placed or located and intended to be used, let, leased, rented or sold for dwelling purposes.

MOBILE/MODULAR HOME SPACE — A plot of ground within a mobile/modular home park which is designed for and designated as the location for one (1) mobile/modular home and not used for any other purposes whatsoever other than the customarily accessory uses thereof.

MOBILE STATION — A radio-communication station capable of being moved and which ordinarily does move.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

MODULAR UNIT — A transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty (650) square feet used temporarily and exclusively for construction site office purposes.

MOTOR VEHICLE — Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

MOTOR VEHICLE DEALER — Any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers, whether or not the motor vehicles or trailers are owned by such person; provided however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to Chapter 343, RSMo., shall not be included within the definition of a motor vehicle dealer. The sale of six (6) or more motor vehicles or trailers in any calendar year shall be evidence that such person is engaged in the motor vehicle dealer business.

MOTOR VEHICLE ORIENTED BUSINESS (MVOB) — Any commercial business which, by design, type of operation, and nature of business, has as one (1) of its functions, the provision of services to a number of motor vehicles or their occupants in a short time span for each, or the provision of services to the occupants of the motor vehicle while they remain in the vehicle. The list of such businesses include gasoline service stations, drive-in banks, drive-in restaurants, drive-in beverage sales and car wash operations. These examples are not intended as a comprehensive list of such businesses.

MOTOR VEHICLE RENTAL COMPANY — Any person or entity in the business of renting passenger motor vehicles to the public, but not including any used motor vehicle dealer selling used motor vehicles, or the leasing or renting of motor vehicles with the option to purchase.

MOTOR VEHICLE REPAIR SHOP — A building, or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

MULTIPLE-FAMILY ACCESS DRIVE — A private way or driveway which

affords a means of vehicular access to parking areas and bays and to abutting buildings in a multiple-dwelling unit subdivision or development.

MULTIPLE-FAMILY DWELLING — A building containing three (3) or more dwelling units which may or may not have a common entrance.

NEW MOTOR VEHICLE — Any motor vehicle being transferred for the first time from a manufacturer, distributor or new motor vehicle franchise dealer which has not been registered or titled in this State or any other State and which is offered for sale, barter or exchange by a new motor vehicle franchise dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes as defined in Section 700.010, RSMo.

NEW MOTOR VEHICLE FRANCHISE DEALER — Any motor vehicle dealer who has been franchised to deal in a certain make of new motor vehicle by the manufacturer or distributor of that make of motor vehicle, and who may, in line with conducting his business as such a franchise dealer, sell, barter or exchange used motor vehicles.

NON-CONFORMING USE — A building, structure or use of land existing at the time of enactment of this Chapter, and which does not conform to the regulations of the district or zone in which it is situated or any amendment hereto.

NUDITY — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola. **[Ord. No. 6599 § 4, 8-25-2016]**

NURSING HOME (CONVALESCENT HOME AND REST HOME) — An establishment used as a dwelling place by the aged, infirm, chronically ill, or incurable afflicted persons, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

OFFICIAL FEES — The fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail installment transaction.

OFFICIAL SUBMISSION DATE — The date when a subdivision plan shall be considered submitted to the Planning and Zoning Commission, and is hereby defined to be the date of the meeting of the Planning and Zoning Commission at which all required surveys, plans and data are submitted.

OPEN SPACE, PUBLIC — Land which may be dedicated or reserved for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites, and other lands.

OUTDOOR FLEA MARKET — An open-air market used for the sale of antiques, crafts, art work, and second hand or other such products from a non-permanent structure.

PARKING LOT — A paved surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of three (3) or more vehicles. Such pavement structure shall be

approved by the City Engineer.

PARKING SPACE, AUTOMOBILE — A paved surface providing a parking space for one (1) motor vehicle within a building or on a private or public parking area.

PAVED SURFACE — Any asphalt or concrete surface designed for the parking of and/or driving of vehicles upon.

PAYDAY LOAN — An unsecured loan under five hundred dollars (\$500.00) as defined in Chapter 408 of the Small Loan Act of the State Statutes of the State of Missouri.

PICKUP CAMPERS — A structure designed primarily to be mounted on a pickup truck chassis and with sufficient equipment to render it suitable for use as temporary dwelling for travel, recreational, and vacation uses.

PIPELINE — The same as is defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

PIPELINE FACILITY — The same as is defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

PLANNED DEVELOPMENT AREA — An area under common ownership where the various components of the development area are treated in a compatible manner. These components include, but are not limited to, landscaping, stormwater management, architectural style and erosion and siltation control. The approval of a planned development area plan is intended to encourage a more creative approach in the development of land which will result in a more efficient, aesthetic and desirable use of area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potential of sites characterized by special features of geography, topography, size or shape.

PLANNED URBAN DEVELOPMENT DISTRICT — A planned urban development is a comprehensively planned development containing residential, commercial, industrial, and/or other land uses on an area of land under single, partnership or corporate ownership, and under unified control. A planned urban development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the City and satisfies the requirements contained with the Zoning Code under "PUD Planned Urban Development District".

PLAT — A map, plan or layout of a City, township, section or subdivision indicating the location and boundaries of individual properties.

PLAT, PRELIMINARY — A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

PLAT, RECORD — A map of land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

PRINCIPAL BALANCE — The cash sale price of the motor vehicle which is the subject matter of the retail installment transaction plus the amounts, if any, included

in the sale, if a separate identified charge is made therefor and stated in the contract, for insurance and other benefits, including any amounts paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien, or lease interest on property traded in and official fees, minus the amount of the buyer's down payment in money or goods.

PROJECTILE WEAPON — Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.**[Ord. No. 6598 § 5, 8-25-2016]**

PROPERTY LINES — The boundaries of a lot.

PUBLIC BUILDING — A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the Federal, State, or local government.

PUBLIC ROADWAY — The right-of-way which is either owned in fee or by easement by the State of Missouri, St. Charles County, or the City of St. Peters, or which is used by the general public for travel and is also regularly maintained by the Missouri Department of Transportation, United States of America, St. Charles County, the City of St. Peters, or any agency or instrumentality thereof.**[Ord. No. 6598 § 5, 8-25-2016]**

RECORD PLAT — A map of land subdivision prepared with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land and which has been recorded in the office of the Recorder of Deeds of St. Charles County, Missouri.

RECREATIONAL EQUIPMENT — All types of boats and/or trailers as defined under this Chapter.

RECREATIONAL VEHICLE — A vehicle whether self-propelled or a trailer which is constructed with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

REPLACEMENT — Includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing wireless support structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the pre-existing wireless facilities or wireless support structures.**[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]**

RESTAURANT — An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RESTAURANT, FAST-FOOD — An establishment where the principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

RETAIL BUYER — A person who buys a motor vehicle from a retail seller in a retail installment transaction under a retail installment contract.

RETAIL INSTALLMENT CONTRACT — An agreement evidencing a retail

installment transaction entered into in this State pursuant to which the title to or a lien upon the motor vehicle, which is the subject matter of the retail installment transaction, is retained or taken by the seller from the buyer as security for the buyer's obligation. The term includes a chattel mortgage or a conditional sales contract.

RETAIL INSTALLMENT TRANSACTION — A sale of a motor vehicle by a retail seller to a retail buyer on time under a retail installment contract for a time sale price payable in one (1) or more deferred installments.

RETAIL SELLER — A person who sells a motor vehicle, not principally for resale, to a retail buyer under a retail installment contract.

RIGHT-OF-WAY — A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of the law.

SALE — Consists in the passing of title from the seller to the buyer for a price. A retail installment transaction shall be considered a sale pursuant to this Chapter.

SANITARIUM — Any premises where the residential prevention, evaluation, care, treatment, habilitation, or rehabilitation is provided for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, except the person's dwelling, a hospital, or any facility licensed pursuant to Chapter 197, RSMo.

SELF-STORAGE WAREHOUSING — A facility in which customers can rent indoor space to store possessions.

SEMI-NUDITY — The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel, provided the areola is not exposed in whole or in part. **[Ord. No. 6599 § 4, 8-25-2016]**

SEMITRAILER — A combination vehicle in which the two (2) trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one (1) less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination.

SEXUAL CONDUCT — Sexual intercourse, sexual contact or masturbation. **[Ord. No. 6599 § 4, 8-25-2016]**

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of any female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim. **[Ord. No. 6599 § 4, 8-25-2016]**

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis. Sexual intercourse also includes any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia,

or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.[Ord. No. 6599 § 4, 8-25-2016]

SHOTGUN — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.[Ord. No. 6598 § 5, 8-25-2016]

SIGNS — See Article IX "Permanent Sign Regulations".

SITE PLAN — A drawing illustrating a proposed development and prepared in accordance with the specifications outlined in the various articles, procedures, and Sections of this Chapter.

SOLAR PANEL — Any apparatus or equipment designed for the purpose of collecting and transforming solar energy into thermal or electricity energy. Solar energy systems may include photovoltaic or solar-thermal systems.

SOLAR PANEL — ACCESSORY — A solar panel system providing power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

SOLAR PANEL — PRIMARY — A solar panel system whose principal purpose is to provide power for the sale of energy to a local utility or other users.

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

STREET — Any public or private right-of-way which affords the primary means of access to abutting property.

STREET, ARTERIAL — A multi-lane facility designed for movement of a relatively large volume of traffic. Arterials provide connections between local and collector streets and the freeways.

STREET, COLLECTOR — A street located within a neighborhood or other integrated use area which collects from and distributes traffic to local streets, and connects arterial streets.

STREET, CUL-DE-SAC — A street or a portion of a street with only one (1) vehicular traffic outlet. The closed end has a turnaround.

STREET, FRONTAGE OR SERVICE — A minor street generally parallel to and adjacent to arterial streets and highways which provides access to abutting properties and protection from through traffic.

STREET, MINOR — A street intended to serve primarily as an access to abutting properties.

STREET, PRIVATE — A street not accepted by dedication or otherwise by the Board of Aldermen.

STRUCTURAL ALTERATION — Any change in the supporting members of a

building or structure, including bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

STRUCTURE — Anything constructed or erected, which requires location on the ground, or attached to something having location on the ground. (See "BUILDING")

SUBDIVIDER — A person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself/herself or others.

SUBDIVISION — The division or redivision of land into two (2) or more lots, tracts, sites, or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

SUBDIVISION REGULATIONS — Regulations as adopted by the Board of Aldermen regulating the subdivision of land.

SUBSTANTIAL MODIFICATION — The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:**[Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014]**

1. Increases the existing vertical height of the structure by:
 - a. More than ten percent (10%); or
 - b. The height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; or
2. Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
3. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four (4) new equipment cabinets; or
4. Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet.

TATTOO ESTABLISHMENT — An establishment as defined in Section 605.001 of this Code.**[Ord. No. 7405, 12-17-2020]**

TEMPORARY ACTIVITY — An activity or land use that extends for five (5) days or less.**[Ord. No. 7458, 6-24-2021]**

THROUGH LOT — A lot which abuts parallel streets and has two (2) front yards.

TIME PRICE DIFFERENTIAL — The amount, however denominated or expressed, as limited by Section 365.120, RSMo., in addition to the principal

balance to be paid by the buyer, for the privilege of purchasing the motor vehicle on time to be paid for by the buyer in one (1) or more deferred installments.

TIME SALE PRICE — The total of the cash sale price of the motor vehicle and the amount, if any, included for insurance and other benefits if a separate identified charge is made therefor and the amounts of the official fees and time price differential.

TITLE LOAN — A loan in which the lender retains physical possession of a certificate of title for the entire length of the title loan agreement and for all renewals or extensions thereof. The lender shall not be required to retain physical possession of the titled personal property.

TRACT — An area or parcel of land, which the developers intend to subdivide and/or improve, or to cause to be subdivided and/or improved pursuant to the requirements of this Chapter.

TRACTOR — A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof.

TRAILER — Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in Section 310.010(8), RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

TRAILER DEALER — Any person selling, either exclusively or otherwise, trailers. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer.²

TRUCK — A motor vehicle designed, used or maintained primarily for the transportation of property.

USE — The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

USE, ACCESSORY — A use which is a secondary activity incidental to the primary use of the property. Accessory uses shall not exceed twenty-five percent (25%) of the gross sales of a retail or wholesale operation.

USE PERMITTED — A use which is permitted in the zoning district in which it is located.

USE PERMITTED UPON REVIEW AND APPROVAL — A review conducted by the Planning and Zoning Commission whereby a use is permitted to occur in that district but only upon its approval and subject to those conditions placed upon it by the Commission.

USED MOTOR VEHICLE — Any motor vehicle which is not a new motor vehicle,

2. Editor's Note: The definition of "transmission tower," which immediately followed this definition, was repealed 7-24-2014 by § 1 of Ord. No. 6184, and 8-14-2014 by § 1 of Ord. No. 6195.

and which has been sold, bartered, exchanged or given away or which may have had a title issued in this State or any other State, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original new motor vehicle franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in Section 700.010, RSMo.

USED MOTOR VEHICLE DEALER — Any motor vehicle dealer who is not a new motor vehicle franchise dealer.

UTILITY — Any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, wastewater, data, cable television, or telecommunications or Internet protocol-related services.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

UTILITY POLE — A structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

VARIANCE — Relief from or variation of the provisions of these regulations, as applied to a specific piece of property.

VEHICLE — Any mechanical device on wheels designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

WAREHOUSE — A place for the storage of merchandise or commodities.

WATER TOWER — A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

WILDLIFE — All wild birds, mammals, fish and other aquatic and amphibious forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and any and every part of any individual species of wildlife.[**Ord. No. 6598 § 5, 8-25-2016**]

WIND TURBINE — The device which converts wind into mechanical or electrical energy that can be used for power.

WIND TURBINE — ACCESSORY — A wind turbine system providing power for the principal use and/or accessory use of the property on which the wind turbine is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

WIND TURBINE — PRIMARY — A wind turbine system whose principal purpose is to provide power for the sale of energy to a local utility or other users.

WIND TURBINE FLICKER — Changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.

WIRELESS COMMUNICATIONS SERVICE — Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. § 301.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

WIRELESS FACILITY — The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

WIRELESS SUPPORT STRUCTURE — A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.[**Ord. No. 6184 § 1, 7-24-2014; Ord. No. 6195 § 1, 8-14-2014**]

YARD — An open space on a lot, which is unoccupied and unobstructed from the ground upward, exclusive of that portion dedicated for public streets, except as otherwise provided in this Chapter.

YARD, FRONT — A space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the roadway right-of-way line.

YARD MEASUREMENT — In measuring a yard for the purpose of determining the width of a side yard or the depth of a front or rear yard; the horizontal distance between the side lot line, front lot line or rear yard, respectively, and a line parallel thereto and passing through the nearest point of the building shall be used.

YARD, REAR — A space opposite the front yard, extending across the entire rear of a lot between the rear of the structure and the rear lot line.

YARD, SIDE — A space extending between the structure setback line as required by the regulations of a particular zoning district and the side lot lines measured between the front yard and the rear yard.

ZONING DISTRICT MAP — A map or maps with all notations, references, and symbols shown thereon depicting individual zoned districts in accordance with this Chapter.

ZONING REGULATIONS — The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or to which reference is made.

ARTICLE V
District Regulations

Section 405.110. "A-1" Agricultural District. [R.O. 2007 § 405.110; Ord. No. 1523 §§ 5.0100 — 5.0107, 5-11-1989; Ord. No. 3425 § 1, 4-12-2001; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 5132 § 2, 1-8-2009; Ord. No. 5756 § 3, 5-24-2012]

- A. Purpose Of The District. The purpose of this district is to provide a location for land situated on the fringe of the urban area within the jurisdictional limits of the City that is used for agricultural purposes, but will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area and intensity of land use which is authorized in this district, is designed to encourage and protect any agricultural use until urbanization is warranted and the appropriate changes in the district classification are made.
- B. Uses Permitted. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited: **[Ord. No. 7192, 8-22-2019]**
1. Single-family dwellings.
 2. Agricultural uses and their accessory buildings, as defined in Section 405.100.
 3. Public and private parks and open spaces.
 4. Public and private golf courses.
 5. Churches or similar places of worship with accessory structures.
 6. Public schools and institutions of higher learning.
 7. Greenhouses and plant nurseries.
- C. Special Use Permit Required. **[Ord. No. 6598 § 2, 8-25-2016; Ord. No. 7192, 8-22-2019]**
1. Rodeo or fairgrounds.
 2. Kennel.
 3. Wind turbine — accessory.
 4. Wind turbine — primary.
 5. Hunting of wildlife.
- D. Building Height Requirements. Not applicable.
- E. Lot Area Requirements. Not applicable.
- F. Percentage Of Lot Coverage. Not applicable.
- G. Yard Requirements. Not applicable.

Section 405.120. "P-1" Public Park Ground District. [R.O. 2007 § 405.120; Ord. No. 1523 §§ 5.0108 — 5.0115, 5-11-1989; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 3425 § 1, 4-12-2001; Ord. No. 5756 § 4, 5-24-2012]

- A. Purpose Of The District. The purpose of this district is to provide for public and private park ground and open space to enhance and preserve the City's recreational, scenic, and cultural areas in a natural state for use by the community.
- B. Permitted Uses. Only the following buildings, structures, and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval:
 - 1. Park ground and open space.
 - 2. Recreational facilities (playground equipment, ball fields, swimming, picnicking, boating, fishing).
 - 3. Pedestrian walkways and bikepaths.
 - 4. Wildlife habitats.
 - 5. Historic sites and buildings.
 - 6. Golf courses.
 - 7. Buildings, pavilions, and storage sheds associated with typical park and recreational facility uses.
- C. Building Height Requirements. No building shall be erected or enlarged which exceeds two and one-half (2 1/2) stories in height or thirty-five (35) feet in height, unless approved by the Planning and Zoning Commission.
- D. Lot Area Requirements. Not applicable.
- E. Percentage Of Lot Coverage. Not applicable.
- F. Yard Requirements. The principal building shall be set back a minimum of ten (10) feet from a property line.
- G. Architectural Requirements. There are no specific architectural requirements, however, the architecture of the structures should complement the park setting in which they are located.
- H. Special Use.
 - 1. Wind turbine — accessory.
 - 2. Wind turbine — primary.

Section 405.130. "R-1" Single-Family Residential District.³ [R.O. 2007 § 405.130; Ord. No. 1523 §§ 5.0200 — 5.0209, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 1752 § 1, 5-9-1991; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2878 § 1, 7-9-1998; Ord. No. 2930 § 1,

3. Cross Reference — As to supplementary regulations regarding accessory buildings or structures, § 405.270.

10-8-1998; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3216 § 1, 3-23-2000; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3474 § 1, 7-12-2001; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 3, 1-8-2009; Ord. No. 5177 § 1, 4-23-2009; Ord. No. 5339 § 2, 2-25-2010; Ord. No. 5466 § 2, 8-26-2010; Ord. No. 5563 § 2, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 2, 4-30-2012; Ord. No. 5756 § 5, 5-24-2012; Ord. No. 5956 § 3, 7-25-2013]

- A. Purpose Of The District. The purpose of this district is to provide for low density single-family development on lots where water and sewer service is available or planned for in the near future and other accessory uses compatible with the residential environment. Also, this district provides for specific uses which may be permitted upon review and approval by the Commission.
- B. Permitted Uses. Only the following buildings, structures and uses of parcels and lots are permitted:
1. Single-family dwellings but not including mobile or modular homes (See "R-M" Mobile/Modular Home Residential District).
 2. A "PUD" Planned Urban Development in accordance with procedures and regulations specified in this Section.
 3. (Reserved)
 4. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
 5. Other customary accessory uses and structures, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.
 6. Home occupations except those specifically prohibited in Section 405.380(D) as approved by the Planning and Zoning Commission.
 7. Public and private schools and institutions of higher education.
 8. Public and quasi-public buildings including libraries and similar uses.
 9. Churches and related buildings to include dwelling(s) for those employed by the church.
 10. Private recreational uses and related open spaces as may be affiliated with permitted residential developments.
 11. Public park, playgrounds and similar activity areas including public recreation and service buildings.
- C. (Reserved)
- D. Special Use Permit Required In "R-1" Single-Family Residential District.

1. Mortuaries.
 2. Single-user office in residential structure located on an arterial road or major collector road.
 - a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.
 3. Local public utility facilities.
 4. Wireless facilities, wireless support structures, or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 5. (Reserved)⁴
 6. Wind turbine — accessory on property that is developed with a non-residential use.
- E. Building Height Requirements. No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding the basement, or thirty-five (35) feet in height.
- F. Lot Area Requirements. Every single-family lot shall have a width of not less than sixty-five (65) feet measured at the building line and an area of not less than the following:
1. Minimum lot size shall be seven thousand (7,000) square feet, except as noted below. However, the number of permitted units shall not exceed one (1) dwelling unit per seventy-five hundred (7,500) square feet of net developable area. Lots on plats for which the preliminary plat was approved by the City of St. Peters after January 1, 2001 shall have a minimum lot size of twelve thousand (12,000) square feet.
 2. No lot of less than seven thousand five hundred (7,500) square feet may abut another lot of less than seven thousand five hundred (7,500) square feet.
 3. Single-family dwellings not served by a sanitary sewer system shall meet requirements of State of Missouri Department of Natural Resources.
 4. All Other Uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.
- G. Percentage Of Lot Coverage. All buildings including accessory buildings and paved areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.
- H. Yard Requirements.

4. Editor's Note: Former Subsection (D)(5), regarding firearm sales and service, was repealed 8-22-2019 by Ord. No. 7192.

1. The minimum yard requirements shall apply to each lot.
 - a. The minimum front yard depth shall be twenty (20) feet unless otherwise platted. Roof, canopy, and covered entranceways, including support posts, shall extend no more than four (4) feet over the front building line. **[Ord. No. 6865, 11-9-2017]**
 - b. Each side yard width shall be a minimum of ten percent (10%) of lot width as measured at the front building line except lots which are on a cul-de-sac and lots for which the preliminary plat was approved by the City of St. Peters before January 1, 2001 need not have a side yard which is more than six (6) feet wide.
 - c. Rear yard depth shall be a minimum of twenty-five (25) feet, except the rear yard depth on a corner lot may be fifteen (15) feet. Swimming pools, decks and open-air porches shall be excluded from the twenty-five (25) feet and fifteen (15) feet depth requirements, however, these structures shall not be closer than six (6) feet to the rear yard line. On irregularly shaped lots, in doubt, the Administrative Officer shall make a determination as to what constitutes the rear yard setback line. However, in no case shall the rear yard depth be less than fifteen (15) feet, nor shall the City require a rear yard depth of greater than twenty-five (25) feet.
 - d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures.
 - e. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area.
 - f. Accessory structures, including garages and sheds, shall be architecturally compatible with the general residential area and the primary building. Accessory structures which are greater than one hundred twenty (120) square feet shall not be constructed of metal except aluminum siding.
 - g. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
 - h. All churches and church-related buildings, except accessory storage buildings, and schools, shall be a minimum of fifty (50) feet from any side or rear property line that abuts residentially zoned or developed properties. The front yard setback for all churches or church-related buildings, including accessory storage buildings, shall be a minimum of

thirty (30) feet. **[Ord. No. 7458, 6-24-2021]**

- i. A camouflaged wireless support structure or wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 - j. Playground equipment, including swings hanging from trees, shall not be permitted within the front yard area as defined by these regulations. However, swings hanging from trees shall be allowed in front yard areas which are not parallel to the front of the residence on the same lot.
 2. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building located closer than fifteen (15) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.
- I. Floor Area. Every single-family detached dwelling hereafter erected shall contain a floor area exclusive of garage space and area over open porches as follows:
 1. For all lots contained on plats recorded after May 9, 1991 but before January 1, 2001, all houses shall contain a minimum of eleven hundred (1,100) square feet of livable floor space completely above grade. All houses constructed on lots created by plats for which the preliminary plat was approved by the City of St. Peters after January 1, 2001, except as stated in Subsection (1)(a) below, shall contain a minimum of fourteen hundred (1,400) square feet completely above grade.
 - a. For lots created by plats for which the preliminary plat was approved by the City of St. Peters after January 1, 2001, a maximum of ten percent (10%) of the lots on each plat may contain houses which are less than fourteen hundred (1,400) square feet in area above grade but must be greater than eleven hundred (1,100) square feet in area above grade.
 2. For all subdivisions approved for development prior to May 9, 1991, all houses shall contain a minimum of nine hundred fifty (950) square feet of livable floor space completely above grade.
- J. Miscellaneous Requirements.

1. Garages. Within all single-family residential developments, all homes shall be constructed to originally include a two (2) car garage and said garage cannot be removed and must be continued to be used as a garage and cannot be converted to living quarters. On lots platted after July 1, 2000, the garage shall be a minimum width of twenty-one (21) feet. In lieu of this minimum width, garages may be twenty (20) feet wide if additional depth is provided in the garage for storage. All garages shall include doors capable of closing.
2. Special Use Permit Landscape Provisions. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of six (6) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than six (6) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Administrative Officer.
3. Landscaping And Construction Materials. All landscape materials, including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials, including, but not limited to, soil, rock, timbers, mulch, decorative stones, and all building materials, shall be stored within a residence, accessory building, carport, as long as they are concealed from public view, or garage except during active project activity or during new home construction. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight distance problem. Dumpsters shall be permitted on a residential property during active project activity. Active project activity shall not include new home construction. Active project activity is limited to forty-five (45) days after project initiation whether a permit is issued or not.
4. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
5. No appliances designed for indoor operation and use may be permanently stored outside a residence or accessory structure, including within a carport where they may be visible.
6. Farm Equipment Parking. Farm equipment shall not be parked on residentially developed properties in the "R-1" District unless used on a regular basis and located on a property which is a minimum of two (2) acres. **[Ord. No. 6249 § 2, 10-23-2014]**
7. Outside Storage. Barbecue equipment and grills shall not be stored in the front yard on residentially developed properties in the "R-1" District. Temporary restrooms, except during new construction, deer stands, and animal processing shall be located in the rear yard of properties in the "R-1" District. Lawn mowers shall be stored indoors or in the rear yard if in working condition. Commercial outdoor equipment or heavy equipment shall be stored indoors. **[Ord. No. 6865, 11-9-2017]**

Section 405.140. "R-1(A)" Single-Family Residential District.⁵ [R.O. 2007 § 405.140; Ord. No. 1523 §§ 5.0200(A) — 5.0219, 5-11-1989; Ord. No. 1748 § 1,

4-25-1991; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2878 § 1, 7-9-1998; Ord. No. 2930 § 1, 10-8-1998; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3216 § 1, 3-23-2000; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3474 § 1, 7-12-2001; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 4, 1-8-2009; Ord. No. 5177 § 2, 4-23-2009; Ord. No. 5339 § 3, 2-25-2010; Ord. No. 5466 § 3, 8-26-2010; Ord. No. 5563 § 3, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 3, 4-30-2012; Ord. No. 5756 § 6, 5-24-2012; Ord. No. 5956 § 4, 7-25-2013]

- A. Purpose Of The District. The purpose of this district is to provide for low density single-family development on lots where water and sewer service is available or planned for in the near future and other accessory uses compatible with the residential environment. Also, this district provides for specific uses which may be permitted upon review and approval by the Commission.
- B. Permitted Uses. Only the following buildings, structures and uses of parcels and lots are permitted:
1. Single-family dwellings but not including mobile or modular homes (see "R-M" Mobile/Modular Home Residential District).
 2. A "PUD" Planned Urban Development in accordance with procedures and regulations specified in this Section.
 3. (Reserved)
 4. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
 5. Other customary accessory uses and structures, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.
 6. Home occupations except those specifically prohibited in Section 405.380(D) as approved by the Planning and Zoning Commission.
 7. Public and private schools and institutions of higher education.
 8. Public and quasi-public buildings including libraries and similar uses.
 9. Churches and related buildings to include dwelling(s) for those employed by the church.
 10. Private recreational uses and related open spaces as may be affiliated with permitted residential developments.

5. Cross Reference — As to supplementary regulations regarding accessory buildings or structures, § 405.270.

11. Public park, playgrounds and similar activity areas including public recreation and service buildings.
- C. (Reserved)
- D. Special Use Permit Required In "R-1A" Single-Family Residential District.
 1. (Reserved)⁶
 2. Single user office in residential structure located on an arterial road or major collector road.
 - a. No modifications shall be made to the residential appearance of said structure without approval of the Planning and Zoning Commission.
 3. Local public utility facilities.
 4. Wireless facilities, wireless support structures or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 5. (Reserved)⁷
 6. Wind turbine — accessory on property that is developed with a non-residential use.
- E. Building Height Requirements. No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding the basement, or thirty-five (35) feet in height.
- F. Lot Area Requirements. Every single-family lot shall have a width of not less than ninety (90) feet measured at the building line and an area of not less than the following:
 1. Minimum lot size shall be ten thousand (10,000) square feet. However, the number of permitted units shall not exceed one (1) dwelling unit per twelve thousand (12,000) square feet of net lot area.
 2. Ten thousand (10,000) square foot lot shall abut another lot of at least twelve thousand (12,000) square feet.
 3. Single-family dwellings not served by a sanitary sewer system shall meet requirements of State of Missouri Department of Natural Resources.
 4. All Other Uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.

6. Editor's Note: Former Subsection (D)(1), regarding mortuaries, was repealed 8-22-2019 by Ord. No. 7192.

7. Editor's Note: Former Subsection (D)(5), regarding firearm sales and service, was repealed 8-22-2019 by Ord. No. 7192.

- G. Percentage Of Lot Coverage. All buildings including accessory buildings and paved areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.
- H. Yard Requirements.
1. The minimum yard requirements shall apply to each lot.
 - a. The minimum front yard depth shall be thirty (30) feet unless otherwise platted. Roof, canopy, and covered entranceways, including support posts, shall extend no more than four (4) feet over the front building line. **[Ord. No. 6865, 11-9-2017]**
 - b. Each side yard width to be a minimum of ten percent (10%) of lot width.
 - c. Rear yard depth shall be a minimum of thirty (30) feet, except the rear yard depth on a corner lot may be twenty (20) feet. Swimming pools, decks and open-air porches shall be excluded from the thirty (30) feet and twenty (20) feet depth requirements, however, these structures shall not be closer than six (6) feet to the rear yard line. On irregularly shaped lots, when in doubt, the Administrative Officer shall make a determination as to what constitutes the rear yard setback line. However, in no case shall the rear yard depth be less than twenty (20) feet, nor shall the City require a rear yard depth of greater than thirty (30) feet.
 - d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures.
 - e. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area.
 - f. Accessory structures, including garages and sheds, shall be architecturally compatible with the general residential area and the primary structure. Accessory structures that are greater than one hundred twenty (120) square feet shall not be constructed of metal except aluminum siding.
 - g. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
 - h. All churches and church-related buildings, except accessory storage buildings, and schools, shall be a minimum of fifty (50) feet from any side or rear property line that abuts residentially zoned or developed

properties. The front yard setback for all churches or church-related buildings, including accessory storage buildings, shall be a minimum of thirty (30) feet. **[Ord. No. 7458, 6-24-2021]**

- i. A camouflaged wireless support structure or wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 - j. Playground equipment, including swings hanging from trees, shall not be permitted within the front yard area as defined by these regulations. However, swings hanging from trees shall be allowed in front yard areas which are not parallel to the front of the residence on the same lot.
2. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than twenty (20) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.

I. Floor Area.

1. All one-story residences shall contain a minimum of two thousand (2,000) square feet of livable floor space above grade except as noted in Subsection (I)(3).
2. All two-story residences shall contain a minimum of twenty-five hundred (2,500) square feet of livable floor space above grade except as noted in Subsection (I)(4).
3. A maximum of twenty percent (20%) of all lots shown on a record plat are permitted to have a reduction in house size to permit a house containing a minimum of eighteen hundred (1,800) square feet of livable floor space above grade for a one-story house.
4. A maximum of twenty percent (20%) of all lots shown on a record plat are permitted to have a reduction in house size to permit a house containing a minimum of twenty-three hundred (2,300) square feet of livable floor space above grade for a two-story house.

5. No more than two (2) reduced size houses are to be located adjacently along a street frontage.

J. Miscellaneous Requirements.

1. Garages. Within all single-family residential developments, all homes shall be constructed to originally include a two (2) car garage and said garage cannot be removed and must be continued to be used as a garage and cannot be converted to living quarters. On lots platted after July 1, 2000, the garage shall be a minimum width of twenty-one (21) feet. In lieu of this minimum width, garages may be twenty (20) feet wide if additional depth is provided in the garage for storage. All garages shall include doors capable of closing.
2. Special Use Permit Landscape Provisions. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of six (6) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than six (6) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Administrative Officer.
3. Landscaping And Construction Materials. All landscape materials, including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials, including, but not limited to, soil, rock, timbers, mulch, decorative stones, and all building materials, shall be stored within a residence, accessory building, carport, as long as they are concealed from public view, or garage except during active project activity or during new home construction. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight distance problem. Dumpsters shall be permitted on a residential property during active project activity. Active project activity shall not include new home construction. Active project activity is limited to forty-five (45) days after project initiation whether a permit is issued or not.
4. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
5. No appliances designed for indoor operation and use may be permanently stored outside a residence or accessory structure, including within a carport where they may be visible.
6. Farm Equipment Parking. Farm equipment shall not be parked on residentially developed properties in the "R-1(A)" District unless used on a regular basis and located on a property which is a minimum of two (2) acres. **[Ord. No. 6249 § 3, 10-23-2014]**
7. Outside Storage. Barbecue equipment and grills shall not be stored in the front yard on residentially developed properties in the "R-1A" District. Temporary restrooms, except during new construction, deer stands, and animal processing shall be located in the rear yard of properties in the "R-1A" District. Lawn mowers shall be stored indoors or in the rear yard if in working condition. Commercial outdoor equipment or heavy equipment shall be stored indoors.

[Ord. No. 6865, 11-9-2017]

Section 405.150. "R-2" Two-Family Residential District.⁸ [R.O. 2007 § 405.150; Ord. No. 1523 §§ 5.0300 — 5.0309, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2920 § 1, 9-10-1998; Ord. No. 3159 § 1, 12-16-1999; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3216 § 1, 3-23-2000; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3474 § 1, 7-12-2001; Ord. No. 3530 § 1, 9-27-2001; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 5, 1-8-2009; Ord. No. 5177 § 3, 4-23-2009; Ord. No. 5339 § 4, 2-25-2010; Ord. No. 5466 § 4, 8-26-2010; Ord. No. 5563 § 4, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 4, 4-30-2012; Ord. No. 5756 § 7, 5-24-2012; Ord. No. 5956 § 5, 7-25-2013]

- A. Purpose Of The District. The purpose of this district is to delineate areas in the City for two-family dwellings or semi-detached dwellings. Within this district, said regulations shall apply to the use of land with the exclusive exception of ownership, specifically the requirement of a common lot for ownership purposes. This district is intended to preserve areas for low to moderate density including single-family dwellings.
- B. Permitted Uses.
1. Two-family dwellings but not including mobile or modular homes (see "R-M" Mobile/Modular Home Residential District).
 2. (Reserved)
 3. A "PUD" Planned Urban Development in accordance with procedures and regulations specified in this Section.
 4. Temporary buildings for uses incidental to construction work. Such buildings shall be immediately adjacent to said construction work and shall be removed upon completion or abandonment of the construction work.
 5. Other customary accessory uses and structures, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory structure shall be located on the same lot with the principal structure.
 6. Home occupations except those specifically prohibited in Section 405.380(D) as approved by the Planning and Zoning Commission.
 7. Public and private schools and institutions of higher education.
 8. Public and quasi-public buildings including libraries and similar uses.
 9. Churches and related buildings to include dwelling(s) for those employed by the church.

8. Cross Reference — As to supplementary regulations regarding accessory buildings or structures, § 405.270.

10. Private recreational uses and related open spaces as may be affiliated with permitted residential developments.
 11. Public park, playgrounds and similar activity areas including public recreation and service buildings.
- C. (Reserved)
- D. Special Use Permit Required.
1. (Reserved)⁹
 2. All uses allowed in the "R-1" Single-Family Residential District unless otherwise noted above.
 3. Wireless facilities, wireless support structures or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 4. (Reserved)¹⁰
 5. Wind turbine — accessory on property that is developed with a non-residential use.
- E. Building Height Requirements. No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding the basement, or thirty-five (35) feet in height.
- F. Lot Area Requirements.
1. Each two-family dwelling shall be located on a common lot having an area of at least nine thousand (9,000) square feet and a width of eighty (80) feet measured at the building line. However, each two-family dwelling on a lot for which the preliminary plat was approved by the City of St. Peters after January 1, 2001 shall be a minimum of ten-thousand (10,000) square feet.
 2. All Other Uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with minimum frontage of two hundred (200) feet and no access to subdivision streets.
 3. Unit Area. All units on plats for which the preliminary plat was approved by the City of St. Peters after January 1, 2001, except as stated in Subsection (3)(a) below, shall be a minimum of one thousand (1,000) square feet in area.
 - a. A maximum of ten percent (10%) of the units may be a minimum of eight hundred (800) square feet in area.
- G. Percentage Of Lot Coverage. All buildings including accessory buildings and paved

9. Editor's Note: Former Subsection (D)(1), regarding mortuaries, was repealed 8-22-2019 by Ord. No. 7192.

10. Editor's Note: Former Subsection (D)(4), regarding firearm sales and service, was repealed 8-22-2019 by Ord. No. 7192.

areas (driveways, patios, but excluding swimming pools) shall not cover more than fifty percent (50%) of the area of the lot.

H. Yard Requirements.

1. The minimum front yard depth (main entry) shall be twenty (20) feet.
 - a. Roof, canopy, and covered entranceways, including support posts, shall extend no more than four (4) feet over the front building line. **[Ord. No. 6865, 11-9-2017; Ord. No. 7458, 6-24-2021]**
2. Each perimeter side yard width to be a minimum of ten percent (10%) of lot width but need not be more than six (6) feet wide. The common interior lot line over which a building structure may be erected may have a zero (0) feet setback.
3. Rear yard depth shall be a minimum of twenty-five (25) feet, except the rear yard depth on a corner lot may be fifteen (15) feet.
4. Detached accessory buildings shall not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. Detached accessory buildings shall also not be located nearer the front lot line than the main building.
5. (Reserved)¹¹
6. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area.
7. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending streets where no dwelling structures exist along such streets within the plat.
8. All units shall include a two (2) car garage and said garage cannot be removed and shall not be converted to living quarters. Garages shall be a minimum width of twenty-one (21) feet. In lieu of this minimum width, garages may be twenty (20) feet wide if additional depth is provided in the garage for storage. All garages shall include doors capable of closing.
9. Accessory structures, including garages and sheds, shall be architecturally

11. Editor's Note: Former Subsection (H)(5), regarding detached accessory building separation from structures, was repealed 8-22-2019 by Ord. No. 7192.

compatible with the general residential area and the primary structure. Accessory structures that are greater than one hundred twenty (120) square feet shall not be constructed of metal except aluminum siding.

10. Antennas shall be considered accessory structures and shall not exceed fifteen (15) feet in height when attached to a roof and thirty-five (35) feet above ground when installed in the ground. A maximum of one (1) antenna per lot shall be permitted.
 11. Landscaping And Construction Materials. All landscape materials, including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials, including, but not limited to, soil, rock, timbers, mulch, decorative stones, and all building materials, shall be stored within a residence, accessory building, carport, as long as they are concealed from public view, or garage except during active project activity or during new home construction. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight distance problem. Dumpsters shall be permitted on a residential property during active project activity. Active project activity shall not include new home construction. Active project activity is limited to forty-five (45) days after project initiation whether a permit is issued or not.
 12. All churches and church-related buildings, except accessory storage buildings, shall be a minimum of fifty (50) feet from any side or rear property line that abuts residentially zoned or developed properties. The front yard setback for all churches or church-related buildings, including accessory storage buildings, shall be a minimum of thirty (30) feet.
 13. A camouflaged wireless support structure or wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 14. Playground equipment, including swings hanging from trees, shall not be permitted within the front yard area as defined by these regulations. However, swings hanging from trees shall be allowed in front yard areas which are not parallel to the front of the residence on the same lot.
 15. No appliances designed for indoor operation and use may be permanently stored outside a residence or accessory structure, including within a carport where they may be visible.
- I. Party Wall Agreement. For any duplex structure having separate ownership of each side of the unit, a party wall agreement between the owners shall be filed with the St. Charles County Recorder of Deeds office. Said agreement is to provide for maintenance responsibilities and aesthetic considerations of the structure.

- J. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
- K. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of six (6) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than six (6) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Administrative Officer.
- L. Farm Equipment Parking. Farm equipment shall not be parked on residentially developed properties in the "R-2" District unless used on a regular basis and located on a property which is a minimum of two (2) acres. **[Ord. No. 6249 § 4, 10-23-2014]**
- M. Outside Storage. Barbecue equipment and grills shall not be stored in the front yard on residentially developed properties in the "R-2" District. Temporary restrooms, except during new construction, deer stands, and animal processing shall be located in the rear yard of properties in the "R-2" District. Lawn mowers shall be stored indoors or in the rear yard if in working condition. Commercial outdoor equipment or heavy equipment shall be stored indoors. **[Ord. No. 6865, 11-9-2017]**

Section 405.160. "R-3(A)" And "R-3(B)" Multiple-Family Residential District.¹²
[R.O. 2007 § 405.160; Ord. No. 1523 §§ 5.0400 — 5.0411, 5-11-1989; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2778 § 1, 12-11-1997; Ord. No. 2920 § 1, 9-10-1998; Ord. No. 3159 §§ 1 — 2, 12-16-1999; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3216 § 1, 3-23-2000; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3530 § 1, 9-27-2001; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3961 § 1, 1-20-2004; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4582 § 1, 7-27-2006; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 6, 1-8-2009; Ord. No. 5177 § 4, 4-23-2009; Ord. No. 5339 § 5, 2-25-2010; Ord. No. 5466 § 5, 8-26-2010; Ord. No. 5563 § 5, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 5, 4-30-2012; Ord. No. 5756 § 8, 5-24-2012; Ord. No. 5956 § 6, 7-25-2013]

- A. Purpose Of The District. These districts are intended to establish zones within the City for multiple-family dwellings at a moderate to high density. The regulations of this district are designed to accommodate a higher intensity of land use in those areas appropriately served by central water/sewer systems, and roads which abut or are adjacent to such other uses or structures which support or complement such an intensity of use. Within this district, said regulations shall apply, irrespective of ownership, to the use of land specifically, but not limited to townhouses and apartments.
 - 1. For the purposes of this Section, the multiple-family districts are as follows:
 - a. "R-3(A)". Fourteen (14) units or less per acre.
 - b. "R-3(B)". Ten (10) units or less per acre.

12. Cross Reference — As to supplementary regulations regarding accessory buildings or structures, § 405.270.

2. Multiple-family districts existing prior to the effective date of this Chapter shall be automatically classified "R-3(A)".
- B. Permitted Uses.
1. Multiple-family dwellings but not including mobile or modular homes (see "R-M" Mobile/Modular Home Residential District).
 2. (Reserved)
- C. (Reserved)
- D. Special Use Permit Required.
1. (Reserved)¹³
 2. Buildings that exceed twenty-eight (28) feet in height or two (2) stories.
 3. All uses allowed in "R-1" Single-Family Residential Districts and "R-2" Two-Family Residential Districts.
 4. Wireless facilities, wireless support structures or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 5. (Reserved)¹⁴
 6. Wind turbine — accessory on property that is developed with a non-residential use.
- E. Building Height Requirements. No building shall be erected or enlarged to exceed two (2) stories or twenty-eight (28) feet in height.
- F. Lot Width Requirements.
1. For each multiple-family parcel, the minimum lot width shall be one hundred (100) feet as measured at the building line.
 2. All Other Uses. Lot areas shall be approved by the Planning and Zoning Commission, except mortuaries shall have a minimum lot size of three (3) acres with a minimum frontage of two hundred (200) feet and no access to subdivision streets.
- G. Density Of Development And Related Lot Area Requirements.
1. At the time of establishing multi-family zoning on a parcel, the Commission shall recommend an appropriate classification with acceptable density range to the Board of Aldermen. The Board shall establish zoning for all multi-family parcels.

13. Editor's Note: Former Subsection (D)(1), regarding mortuaries, was repealed 8-22-2019 by Ord. No. 7192.

14. Editor's Note: Former Subsection (D)(5), regarding firearm sales and service, was repealed 8-22-2019 by Ord. No. 7192.

2. A minimum of one (1) acre is required to develop a multiple-family project in this zoning district.
3. For each development there shall not be more than eight (8) attached dwelling units in a row.
4. Unit Area. All units on plans approved by the Planning and Zoning Commission after January 1, 2001, except as stated in Subsection (4)(a) below, shall be a minimum of eight hundred fifty (850) square feet in area.
 - a. A maximum of ten percent (10%) of the units may be a minimum of six hundred fifty (650) square feet in area.
5. More than two (2) unrelated persons may reside within a multiple family dwelling. **[Ord. No. 6865, 11-9-2017]**

H. Yard Requirements.

1. The following minimum yard depths shall be provided for individual lots:
 - a. The minimum front yard depth shall be twenty (20) feet unless otherwise platted. On a corner lot a fifteen (15) foot side building line may be permitted. **[Ord. No. 6865, 11-9-2017]**
 - b. The minimum side yard width shall be no less than fifteen (15) feet.
 - c. Rear yard depth shall be a minimum of twenty (20) feet. However, in conjunction with attached single-family units, swimming pools, decks and open-air porches shall be exempt from the rear yard setback; these structures shall not be closer than six (6) feet to the rear yard line.
 - d. All churches and church related buildings, except accessory storage buildings, shall be a minimum of fifty (50) feet from any side or rear property line that abuts residentially zoned or developed properties. The front yard setback for all churches or church related buildings, including accessory storage buildings, shall be a minimum of thirty (30) feet.
 - e. A camouflaged wireless support structure or wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 - f. The placement of playground equipment shall be as approved on the site development plan.
2. The following minimum distances shall be provided between principal

buildings located on the same plot:

- a. The side of a principal building shall not be located any closer than twenty (20) feet to the side of another principal building.
 - b. There shall be a minimum of forty (40) feet from the front or rear of a principal building to any other principal building.
3. In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of the street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required. This Section shall not apply to subdivisions creating new streets or extending existing streets where no dwelling structures exist along such streets within the plat.
 4. All units, except multi-unit buildings without individual unit entrances, shall include a two (2) car garage that shall be a minimum of twenty-one (21) feet in width.

I. Miscellaneous Requirements.

1. Exterior lighting shall be provided throughout the development to promote the security and safety of the residents including parking, pedestrian, recreation, and open space area. Such lighting shall be designed to prevent glare onto adjacent properties or into the dwelling units.
2. Where an "R-3(A)" or "R-3(B)" Multiple-Family District is adjacent to an "R-1" Single-Family or "R-2" Two-Family Zoning District, a landscape green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the multiple-family property lines and shall consist of the following:
 - a. A six (6) foot high vinyl fence along the property line of the "R-3(A)" or "R-3(B)" Multiple-Family District.
 - b. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading spaces.
3. Landscaping And Construction Materials. All landscape materials, including, but not limited to, trees and shrubs, shall be maintained in a healthy fashion or shall be removed. All landscape materials, including, but not limited to, soil, rock, timbers, mulch, decorative stones, and all building materials, shall be stored within a residence, accessory building, carport, as long as they are concealed from public view, or garage except during active project activity or during new home construction. Also, during active projects, materials shall not be stored so as to be hazardous or so as to cause a sight distance problem. Dumpsters shall be permitted on a residential property during active project

activity. Active project activity shall not include new home construction. Active project activity is limited to forty-five (45) days after project initiation whether a permit is issued or not.

4. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
 5. All exterior solid waste containers shall be screened from public view. All screening shall be six (6) feet in height and of masonry or vinyl fencing construction that matches or complements the primary building on site.
 6. No appliances designed for indoor operation and use may be permanently stored outside a residence or accessory structure, including within a garage or carport where they may be visible.
 7. Farm Equipment Parking. Farm equipment shall not be parked on residentially developed properties in the "R-3(A)" or "R-3(B)" District unless used on a regular basis and located on a property which is a minimum of two (2) acres. **[Ord. No. 6249 § 5, 10-23-2014]**
 8. Outside Storage. Barbecue equipment and grills shall not be stored in the front yard on residentially developed properties in the "R-3" District. Temporary restrooms, except during new construction, deer stands, and animal processing shall be located in the rear yard of properties in the "R-3" District. Lawn mowers shall be stored indoors or in the rear yard if in working condition. Commercial outdoor equipment or heavy landscape equipment shall be stored indoors. **[Ord. No. 6865, 11-9-2017]**
- J. Screening And Landscaping. See Article VI, Section 405.390 and Section 405.535.
- K. Density Allowance. In order to achieve the density equal to that prior to any dedication of land, the developer may request and the Planning and Zoning Commission may grant a reduction in the required side and rear yard requirements to compensate for such a dedication.
- L. Where a special use is adjacent to any residential property or residentially zoned property, a continuous visual screen with a minimum height of six (6) feet shall be provided on the rear and/or sides of the subject property lines within a ten (10) foot landscape buffer. Such screening shall consist of a solid fence or masonry wall of not less than six (6) feet; a compact evergreen hedge or foliage screening may be approved as an alternative by the Administrative Officer.

Section 405.170. "R-M" Mobile/Modular Home Residential District.¹⁵ [R.O. 2007 § 405.170; Ord. No. 1523 §§ 5.0500 — 5.0510, 5-11-1989; Ord. No. 3530 § 1, 9-27-2001]

- A. Purpose Of The District. The purpose of this district is to provide a well designed mobile/modular park or subdivision where public utilities are available and to establish basic standards which will determine the character of the land use and its effect upon the surrounding properties.

15. Cross Reference — As to supplementary regulations regarding accessory buildings or structures, § 405.270.

B. Uses Permitted.

1. Mobile/modular homes.
2. Mobile/modular home park or subdivision.
3. Accessory buildings customarily incidental and subordinate to the use of mobile/modular homes.

C. Building Height Requirements. No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories, excluding the basement, or thirty-five (35) feet in height.

D. Lot Area Requirements.

1. Minimum lot areas for mobile/modular homes shall conform to the following standards:

| Minimum Dwelling Unit Size | Minimum Lot Area Required |
|---------------------------------------|--------------------------------------|
| 560 square feet | 3750 square feet |
| 700 square feet | 4150 square feet |
| 840 square feet | 4550 square feet |
| 980 square feet | 4650 square feet |
| 1190 square feet | 4800 square feet |
| 1400 square feet | 5150 square feet |
| 1680 square feet | 5650 square feet |
| 1960 square feet | 5900 square feet |

2. Each mobile/modular home lot shall have a minimum width of forty (40) feet for dwelling units containing nine hundred eighty (980) square feet or less and sixty (60) feet for dwelling units over nine hundred eighty (980) square feet.
3. No more than one (1) mobile/modular home shall be parked on any one (1) lot.

E. Percentage Of Lot Coverage. Refer to "Lot Area Requirements" in Subsection (D) hereof.

F. Yard Requirements.

1. No mobile/modular home or other structure within a mobile/modular home park shall be closer to another than twenty-six (26) feet except that storage structures for the exclusive use of the mobile/modular home may be no closer to another mobile/modular home than twenty (20) feet.
2. No mobile/modular home shall be located closer than thirty (30) feet to the exterior boundary of the park or a boundary street right-of-way. Buildings used for laundry or recreational purposes shall be located no closer than forty (40) feet to the exterior boundary or the right-of-way of a boundary street.

3. The minimum front yard depth (main entry) shall be twenty (20) feet. On a corner lot a fifteen (15) foot side building line may be permitted.
4. The minimum side yard width shall be not less than thirteen (13) feet.
5. Rear yard depth shall be a minimum of twenty (20) feet.

G. Parking Requirements.

1. Two (2) off-street parking spaces paved over a well compacted sub-base shall be provided for each mobile/modular home.
2. See Article VI, "Supplementary Regulations".

H. Design Standards Of District.

1. A Mobile/Modular Home Park shall be no less than ten (10) acres in total area.
2. Density Standard. The maximum density shall not exceed eight (8) units per gross acre, exclusive of recreational areas.
3. Each mobile/modular home space shall abut a local street within the park. Streets shall be paved in accordance with the street standards of the City of St. Peters.
4. At least one thousand five hundred (1,500) square feet of recreational space for each mobile/modular home space shall be reserved within each mobile/modular home park as common recreational space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety and developed in a manner suitable for recreational activity.
5. The Mobile/Modular Home Park and all occupied units located in it must be connected to public water and sewerage systems approved by the City and/or Missouri Department of Natural Resources.
6. Plans clearly for a Mobile/Modular Home Park shall be submitted to and approved by the Planning and Zoning Commission. Such plans must be drawn to a scale of not less than one (1) inch equals fifty (50) feet (1" = 50') by a registered engineer, professional land use planner, or registered land surveyor. Such plans must show the area to be used for the proposed Mobile/Modular Home Park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, and off-street parking spaces, recreational areas and service buildings; the location of sanitary conveniences and refuse receptacles; the proposed plan of water supply, sewage disposal and electric lighting. The Planning and Zoning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.
7. A densely planted buffer strip, consisting of trees, shrubs, and other plantings at least six (6) feet in height, shall be provided along all rear and side property lines of the park.
8. All mobile/modular homes shall comply with Federal standards (HUD

regulations at the time of manufacturing). All corners of each mobile/modular home shall be securely tied down to anchors which extend at least thirty (30) inches below the surface of the ground and which meet the specifications of the City Building Code. All mobile/modular homes shall also be anchored at the center point of each side.

9. Any expansion of mobile/modular home parks in existence on the effective date of this Chapter shall comply with the provisions of this Section.
10. Farm Equipment Parking. Farm equipment shall not be parked on residentially developed properties in the "R-M" District unless used on a regular basis and located on a property which is a minimum of two (2) acres. **[Ord. No. 6249 § 6, 10-23-2014]**

Section 405.180. "S-D" Special Old Town Overlay District. [R.O. 2007 § 405.180; Ord. No. 1523 §§ 5.0600 — 5.0608, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 5563 § 6, 3-24-2011]

- A. Purpose Of The District. The purpose of this district is to preserve the integrity of Old Town as identified on the Official Zoning District Map and to provide for development consistent with preserving the Old Town image and environment. The regulations of this special district are intended to allow greater design flexibility in development than is permitted by the other district regulations with the exception of the Planned Urban Development District.
- B. Uses Permitted. A building or lot shall be used only for the following purposes: **[Ord. No. 7192, 8-22-2019]**
 1. All uses permitted in "R-1," "R-2," "C-1" and "C-2" Districts.
 2. Outdoor flea markets.
 3. Single-family and two-family dwellings above the first floor of a building.
 4. Retail sales of any used goods, wares or merchandise, but excluding used motor vehicles.
 5. Bed and breakfast establishments.
- C. Special Use Permit Required. **[Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
 1. Hotels/motels, boarding houses and similar uses.
 2. All special uses in the "R-1," "R-2," "C-1" and "C-2" Districts.
 3. Multiple family uses.
- D. Building/Structure Height. No building or structure shall be erected or enlarged to exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**

- E. Lot Area Requirements. There are no minimum lot area requirements in this District.
- F. Yard Requirements. Since there were no planning and zoning regulations when Old Town was originally established, yard requirements shall be consistent with existing layouts and will require approval by the Planning and Zoning Commission on an individual basis.
- G. Parking Requirements. The parking requirements for each development shall be as approved by the Planning and Zoning Commission in conjunction with site plan review and approval. Parking requirements shall be consistent with ordinance requirements when possible, but shall be evaluated on an individual basis after evaluating existing conditions and space available.
- H. Architectural Requirements And Signage.
 - 1. The architecture of the late nineteenth and early twentieth century shall be modeled wherever it is possible and as approved by the Administrative Officer.
 - 2. Signs shall be permitted as allowed in the "C-2" Commercial District. Signs shall have a historic design where it is feasible.
 - 3. Informational signage shall be permitted within the public right-of-way to provide direction for businesses on one-way streets. The location and design of such signs shall be as approved by the City Engineer.

Section 405.190. "C-1" Neighborhood Commercial District. [R.O. 2007 § 405.190; Ord. No. 1523 §§ 5.0700 — 5.0708, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3775 § 1, 1-27-2003; Ord. No. 4297 § 1, 6-9-2005; Ord. No. 4345 § 1, 9-22-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5339 § 6, 2-25-2010; Ord. No. 5386 § 1, 4-22-2010; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 6, 4-30-2012; Ord. No. 5756 § 9, 5-24-2012]

- A. Purpose Of The District. The purpose of this district is to provide for attractive and convenient retail shopping facilities and services in close proximity to residential neighborhoods. These retail establishments will be located and designed for compatibility within the neighborhood setting.
- B. Uses Permitted. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited: **[Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
 - 1. Low density business and professional offices (including law, insurance, accounting, data processing, photography, architects' and engineers' offices).
 - 2. Low density retail businesses serving neighborhood needs; service type uses, including, but not limited to, barber and beauty shops, nail salons, laundromats, and "quick print" type printing services. Permanent cosmetics shall be permitted as an accessory use to beauty shops, nail salons, spas and

- similar facilities.
- 3. Public, educational, governmental offices and libraries.
- 4. Medical/dental/optician offices.
- 5. Animal grooming not including overnight boarding or care.
- 6. Day care centers.
- 7. Veterinary office, not including animal kennels.
- 8. Public and private schools and churches and related structures.
- C. Special Use Permit Required. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014; Ord. No. 6249 § 7, 10-23-2014; Ord. No. 7192, 8-22-2019]**
 - 1. Dry cleaners.
 - 2. Medical/dental/optician clinics.
 - 3. (Reserved)
 - 4. (Reserved)
 - 5. Wireless facilities, wireless support structures or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use.
 - 6. Nursing homes.
 - 7. Residential uses including single-family, attached single-family or multiple-family units.
 - 8. Wind turbine — accessory.
- D. Building/Structure Height. No building or structure shall be erected or enlarged to exceed twenty (20) feet or one (1) story in height, except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**
- E. Lot Area Requirements. There are no minimum lot area requirements in this district.
- F. Yard Requirements.
 - 1. Front Yard. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth.
 - 2. Side Yard. Side yard width shall be ten (10) feet except when adjacent to a residential district, then twenty (20) feet is required.
 - 3. Rear Yard. Rear yard depth shall be fifteen (15) feet except when adjacent to a residential district, then twenty (20) feet is required.
 - 4. A camouflaged wireless support structure or wireless support structure shall

be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**

G. Screening And Landscaping. See Section 405.390 "Landscaping and Screening".

H. Miscellaneous Requirements.

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning Department.
2. All yards unoccupied with buildings or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round.
3. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).
4. Where a "C-1" Neighborhood Commercial District is adjacent to any residential zoning district, a landscaped green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "C-1" Neighborhood Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.
5. No permanent outdoor storage shall be allowed in any "C-1" Neighborhood Commercial District.
6. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial

vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.

7. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
8. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

Section 405.200. "C-2" Community Commercial District. [R.O. 2007 § 405.200; Ord. No. 1523 §§ 5.0800 — 5.0808, 5-11-1989; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3082 § 1, 8-12-1999; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3530 § 1, 9-27-2001; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4297 § 1, 6-9-2005; Ord. No. 4554 § 1, 6-22-2006; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 7, 1-8-2009; Ord. No. 5339 § 7, 2-25-2010; Ord. No. 5486 § 2, 10-14-2010; Ord. No. 5563 § 7, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 7, 4-30-2012; Ord. No. 5756 § 10, 5-24-2012]

- A. Purpose Of The District. The purpose of this district is to provide sufficient space in appropriate locations for the sale of convenience goods and personal services. Due to the increased space requirements and traffic associated with these retail users, such uses will be limited to the intersection of collector and arterial streets.
- B. Uses Permitted. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited: **[Ord. No. 6722 § 2, 3-23-2017; Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
 1. All uses permitted by the Planning and Zoning Commission in the "C-1" Neighborhood Commercial District except as otherwise noted. Permanent cosmetics shall be permitted as an accessory use to beauty shops, nail salons, spas and similar facilities.
 2. A building which is planned to hold more than five (5) businesses.
 3. General retail uses (including variety stores, decorating centers, craft supplies, book and stationery shops) and specialty item uses (including imported arts and crafts, novelties and home furnishings). Pawnshops shall be excluded.
 4. Financial and banking institutions (including drive-up facilities), real estate agencies and service, and mortician/mortuaries.
 5. Restaurants and food establishments within multiple tenant retail buildings, including restaurants with drive-through facilities.
 6. Food stores and supermarkets.
 7. Light automotive parts, service and repair facilities.
 8. Veterinary office/animal hospital including animal grooming.

9. Public and private schools and churches and related structures.
 10. New and used computer equipment sales and computer software sales, fabrication and minor repairs.
 11. Commercial vehicle storage when the vehicles are not related to the businesses on the subject lot (subject to Planning Commission approval of the location).
 12. Temporary businesses (subject to Planning Commission approval of the location).
 13. Day care centers.
 14. Medical/dental/optician clinics.
 15. Group homes.
 16. Dance/yoga studios, fitness/aerobics salons, martial arts studios and similar activities which are within a multi-tenant center and are less than three thousand (3,000) square feet in area.
 17. Motor vehicle rental, excluding truck rental.
 18. Therapeutic massage establishments.
 19. Banquet centers/conference centers, community centers and similar meeting facilities.
- C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.
- D. Special Use Permit Required. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014; Ord. No. 6249 § 8, 10-23-2014; Ord. No. 6722 § 2, 3-23-2017; Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
1. Convenience/food store with gasoline or petroleum products and services.
 2. Freestanding restaurants and food establishments, including drive-in food establishments; all taverns and bars.
 3. Car washes.
 4. Truck rental.
 5. Kennels, including interior and exterior areas, as defined by this Chapter.
 6. Dance/yoga studios, fitness/aerobics salons, martial arts studios and laser tag, paint ball and other indoor entertainment activities, except as referenced in Section 405.200(B).
 7. Wireless facilities, wireless support structures or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use.
 8. (Reserved)

9. The sale and brokerage of firearms, including the transfer of firearms; firearm repair; ammunition sales.
 10. Nursing homes.
 11. Residential uses including single-family, attached single-family or multiple-family units.
 12. Residential uses and commercial uses, including office uses, retail uses, and service uses, within the same structure.
 13. Distribution centers and accessory fabrication.
 14. Wind turbine — accessory.
- E. Building/Structure Height. No building or structure shall be erected or enlarged to exceed thirty-five (35) feet or two and one-half (2 1/2) stories in height except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**
- F. Lot Area Requirements. There are no minimum lot area requirements.
- G. Yard Requirements.
1. Front Yard. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth.
 2. Side Yard. Side yard width shall be ten (10) feet except when adjacent to a residential district, then twenty (20) feet is required.
 3. Rear Yard. Rear yard depth shall be fifteen (15) feet except when adjacent to a residential district, then twenty-five (25) feet is required.
 4. A camouflaged wireless support structure or wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
- H. Screening And Landscaping. See Section 405.390 "Landscaping and Screening".
- I. Miscellaneous Requirements.
1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of

items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning Department.

2. Where a "C-2" Community Commercial District is adjacent to any residential zoning district, a landscaped green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "C-2" Community Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.
3. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round.
4. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).
5. All repair of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be of a flashing or intermittent type.
7. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
8. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning Department. All temporary businesses shall meet building setbacks of the underlying district.
9. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
10. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

Section 405.210. "C-3" General Commercial District. [R.O. 2007 § 405.210; Ord. No. 1523 §§ 5.0900 — 5.0909, 5-11-1989; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4297 § 1, 6-9-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5339 § 8, 2-25-2010; Ord. No. 5466 § 6, 8-26-2010; Ord. No. 5486 § 3, 10-14-2010; Ord. No. 5563 § 8, 3-24-2011; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 8, 4-30-2012; Ord. No. 5756 § 11, 5-24-2012]

- A. Purpose Of The District. The purpose of this district is to establish areas along/and in close proximity to major arterials for commercial uses which generate high volumes of traffic during any given twenty-four (24) hour period. These regulations are intended to eliminate excessive traffic noise and congestion from residential areas within the City.
- B. Uses Permitted. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited: **[Ord. No. 6249 § 9, 10-23-2014; Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
1. All uses permitted by the Planning and Zoning Commission in the "C-2" Community Commercial District. Permanent cosmetics shall be permitted as an accessory use to beauty shops, nail salons, spas and similar facilities.
 2. A building which will consist of more than ten (10) separate businesses/offices which would be allowed separately in the "C-2" Community Commercial District.
 3. All restaurants and food establishments, including drive-in food establishments; all taverns and bars.
 4. Retail sales of any used goods, wares or merchandise, but excluding used motor vehicles.
 5. Retail nurseries for growing trees and shrubs and landscaping, garden shops, lumber hardware/home repair uses.
 6. Radio/TV stations.
 7. Country club or golf club.
 8. Specialty entertainment and sports uses (including movie theater, bowling lanes, fitness/yoga salons, amusement palaces, skating palaces and swimming pools).
 9. Greenhouses.
 10. Food pantries.
 11. Hospitals.
 12. Microbreweries, including the manufacturing of beverages, food sales and service, and beverage sales.

13. Commercial vehicle storage when the vehicles are not related to the businesses on the subject lot (subject to Planning Commission approval of the location).
 14. Drug rehabilitation programs.
 15. Temporary businesses (subject to Planning Commission approval of the location).
 16. Public and private schools and churches and related structures.
 17. Day-care centers for children and/or adults.
 18. Medical/dental/optician clinics.
 19. Group homes.
 20. Therapeutic massage establishments.
 21. Heavy automobile repair (body and fender repair and/or painting).
 22. Motor vehicle rental company.
 23. Residential uses and commercial uses, including office uses, retail uses, and service uses, within the same structure.
 24. Convenience/food store with gasoline or petroleum products and services.
 25. Body art establishments, body piercing, and branding. **[Ord. No. 7405, 12-17-2020]**
 26. Banquet centers/conference centers, community centers and similar meeting facilities.
 27. Car washes not adjacent to or directly across a public or private road or drive residentially zoned or residentially developed properties.
- C. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.
- D. Special Use Permit Required. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014; Ord. No. 6249¹⁶ § 9, 10-23-2014; Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
1. Residential uses including single-family, attached single-family, or multiple-family units. **[Ord. No. 7458, 6-24-2021]**
 2. (Reserved)
 3. The sale and brokerage of firearms, including the transfer of firearms; firearm repair; ammunition sales.
 4. Nursing homes.

16. Editor's Note: This ordinance also repealed former Subsection (D)(5), which set forth adult day-care facilities as a special permit use.

5. Kennels, including interior and exterior kennels.
 6. (Reserved)
 7. Modular/mobile home sales.
 8. (Reserved)
 9. Hotels and motels, and related conference centers.
 10. Car washes adjacent to or directly across a public or private road or drive from residentially zoned or residentially developed properties.
 11. Wireless facilities, wireless support structures or camouflaged wireless support structures. A wireless facility, wireless support structure, or camouflaged wireless support structure must be on a property that is developed with a non-residential use.
 12. House trailer and recreational vehicle sales/storage; bus, taxi and other public transportation terminal.
 13. (Reserved)
 14. (Reserved)
 15. A new motor vehicle franchise dealer operating a parts and service department in conjunction therewith.
 16. (Reserved)
 17. The sale, barter, exchange or rental of all-terrain vehicles.
 18. Pawnshops.
 19. (Reserved)
 20. (Reserved)
 21. Distribution centers and accessory fabrication.
 22. Wind turbine — accessory.
- E. Building/Structure Height. No building or structure shall be erected or enlarged to exceed six (6) stories in height except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**
- F. Lot Area Requirements. There are no minimum lot area requirements.
- G. Yard Requirements. See Section 405.390 "Landscaping and Screening".
1. All buildings shall be set back from all street right-of-way lines not less than thirty (30) feet.
 2. Side yard width shall be fifteen (15) feet except when adjacent to a residential district, then twenty (20) feet is required.

3. There shall be a twenty-five (25) foot rear yard except when adjacent to a residential district, then thirty (30) feet is required.
 4. A camouflaged wireless support structure or wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the camouflaged wireless support structure's height or wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
- H. Screening And Landscaping. See Section 405.390 "Landscaping and Screening".
- I. Miscellaneous Requirements.
1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning Department.
 2. Where a "C-3" General Commercial District is adjacent to any residential zoning district, a landscaped green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "C-3" General Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.
 3. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round.
 4. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).
 5. All repair of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

6. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be of a flashing or intermittent type.
7. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning Department. All temporary businesses shall meet building setbacks of the underlying district.
8. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
9. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
10. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

Section 405.220. "C-4" Regional Shopping Center District. [R.O. 2007 § 405.220; Ord. No. 1523 §§ 5.1000 — 5.1008, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4582 § 1, 7-27-2006; Ord. No. 5339 § 9, 2-25-2010]

A. Purpose Of The District. The purpose of this district is to establish space in the City for large clusters of complementary stores and facilities which will provide consumer goods and services not only for the residents of St. Peters but for the surrounding region as well. Due to size and scale of such commercial developments, the developer will be expected to closely coordinate his/her overall plans with the City's Comprehensive Plan to insure a well designed, attractive and integrated development.

B. Uses Permitted. [Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]

1. Property and buildings in a "C-4" Regional Shopping Center District shall be used for any combination of permitted retail uses, provided, however, that these uses shall be located in a well-designed and integrated center.

Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval or by special use permit:

- a. All uses permitted in the "C-1" Neighborhood Commercial, "C-2" Community Commercial and "C-3" General Commercial Districts.
- b. Office uses.
- c. Accessory buildings and uses customarily incidental to the above uses.

- d. Temporary businesses (subject to Planning Commission approval of the location). **[Ord. No. 7458, 6-24-2021]**
 - e. Retail sales of any used goods, wares or merchandise excluding pawnshops.
 - f. Therapeutic massage establishments.
 - g. Convenience/food store with gasoline or petroleum products and services.
 - h. Microbreweries, including the manufacturing of beverages, food sales and service and beverage sales.
 - i. Public and private schools and churches and related structures.
- 2. Uses Permitted Upon Review And Approval By The Planning And Zoning Commission.
 - 3. Special Use Permit Required.
 - a. (Reserved)
 - b. (Reserved)
 - c. (Reserved)
 - d. The sale and brokerage of firearms, including the transfer of firearms; firearm repair; ammunition sales.
 - e. Hotels and motels.
 - f. (Reserved)
 - g. Bus, taxi and other public transportation terminal.
- C. Building/Structure Height. No building or structure shall be erected or enlarged to exceed six (6) stories in height except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**
 - D. Lot Area Requirements. The parcel of land on which a regional shopping center is located shall not be less than sixty (60) acres in area.
 - E. Yard Requirements.
 - 1. All buildings shall be set back from all street right-of-way lines not less than forty-five (45) feet.
 - 2. On the side lot adjoining a residential district, there shall be a minimum side yard of fifty (50) feet as measured horizontally from the nearest point of building to said property line.
 - 3. There shall be a rear yard, alley, service court, or combination thereof, to constitute a minimum distance of fifty (50) feet as measured horizontally from the nearest point of building to said property line.

F. Screening And Landscaping. See Section 405.390 "Landscaping and Screening".

G. Miscellaneous Requirements.

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All screening shall be six (6) feet in height and of masonry construction that matches or complements the primary building on the site. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment or stock shall be stored in an orderly fashion and shall be located as approved by the Planning Department.
2. Where a Regional Shopping Center District is adjacent to a residential zoning district, a landscaped green belt minimum of forty (40) feet shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a combination of a compact evergreen hedge, foliage screening, earth berming, solid masonry wall or solid wood fence, or other type of screening designed to visually obscure the "C-4" Regional Shopping Center development and property from a six (6) foot periphery along said property lines(s), and shall be maintained along the appropriate property line by the users of the "C-4" Regional Shopping Center property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space, provided that this Subsection shall not apply where a regional shopping center facility exists at the time of passage of this Chapter. Therefore, the Planning and Zoning Commission may approve a parking reduction in conjunction with the review and approval of a site development plan.
3. In a regional shopping center development, there is a mixture of land uses with a variety of parking demands. Both the amount of parking space required and the peak demand throughout the day/week/season vary according to the type of business operation. Therefore, the parking spaces required for such a combination of land uses may be reduced upon approval by the Board of Aldermen.
4. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
5. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
6. All of the lot used for parking of vehicles and storage and display and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).

H. Administration Procedures For Regional Center Development.

1. The developer shall first make an application to the City for development of a

shopping center under this zoning. The application shall include the following in addition to the administrative requirement set forth in this Chapter.

- a. Prior to the development, the developer shall submit a Master Plan depicting the various phases of development and a development schedule for each phase subject to approval by the Planning and Zoning Commission. A public hearing shall be required for Master Plan approval whereby the Planning and Zoning Commission shall review and grant approval or denial of the plan.
 - b. The Master Plan shall show the large-scale facility and the peripheral public improvements required to service the site. The developer shall submit site plan(s) of the proposed development which shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet; and which shall show the arrangement of the buildings, design and circulation pattern of the off-street parking area, street system, landscaped yards, ornamental screening, service courts, and facilities, and the relationship of the shopping which it may affect.
 - c. The developer shall show evidence that indicates to the satisfaction of the Planning and Zoning Commission the ability and intent to carry out the development of the shopping center in accordance with the plans submitted in accordance with the above Subsections.
 - d. Development Procedure. The developer shall obtain plan approval for the shopping center in accordance with the requirements of this Chapter, and shall be required to develop the roadways, utilities and stormwater facilities for the area designated as "C-4" Regional Shopping Center at the initial phase of the development in accordance with the approved Master Plan. If the terms of the approved development schedule are violated by the developer, then the Planning and Zoning Commission of the City shall review and recommend rezoning to an appropriate zoning classification, or grant an amendment to the approved development schedule. The developer shall begin construction of the shopping center within two (2) years after the effective date of approval of the rezoning petition for the Regional Shopping Center site, and shall make reasonable and continuous progress towards completion. If the shopping center is not under initial construction or is not substantially completed within two (2) years after the effective date of the shopping center rezoning, and if it should be found that the developer cannot proceed immediately with the development, in conformity with the requirements of this Section, this fact, and the reasons thereof, shall be reported to the Planning and Zoning Commission of the City. The Planning and Zoning Commission shall review and recommend rezoning, or grant an extension of the two (2) year period.
2. Review Of Plan Change. Any substantial deviation from the plat of building plans approved by the Commission shall constitute a violation of the building permit authorizing construction of the shopping center.

Section 405.225. "CPD" Commercial Planned District. [R.O. 2007 § 405.225; Ord.

No. 3580 § 1, 1-10-2002]

- A. Purpose Of The District. The "CPD" Commercial Planned District encompasses areas where developments and uses permitted in any of the other commercial districts may be located. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses for which no provision is made in any other commercial district, or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare.
- B. Permitted Uses. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Commercial Planned District; specific uses may include those uses designated as permitted or special uses in any of the commercial or industrial districts. **[Ord. No. 7192, 8-22-2019]**
- C. Height Requirements. The total height of any structure or buildings shall be limited by the conditions of the ordinance governing the particular Commercial Planned District.
- D. Lot Area Requirements. There are no minimum lot area requirements.
- E. Yard Requirements. Setbacks for parking areas, driveways and structures shall be established in the conditions of the ordinance governing the particular Commercial Planned District.
 - 1. Where a "CPD" Commercial Planned District is adjacent to any residential zoning district, a landscaped green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "CPD" Commercial Planned District property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for a loading space.
- F. Miscellaneous Requirements.
 - 1. All exterior solid waste containers and container racks or stands shall be screened from public view. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment or stock shall be located as approved by the Planning Department or as indicated in the ordinance governing the particular Commercial Planned District.
 - 2. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition

the year round.

3. All of the lot used for parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
 4. All repair of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
 5. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets and shall not be of a flashing or intermittent type.
 6. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
- G. Procedure For Review And Disposition Of Commercial Planned Districts. To obtain a Commercial Planned District on any tract of land currently zoned within the City's corporate limits, the developer/petitioner must, in general, follow the legislative procedures of rezoning. With respect to newly annexed territories, the Board of Aldermen may, from time to time, establish or set a Commercial Planned District on a given tract of land. In any case, certain minimum documentation shall be provided as described in the following process including public hearings.
1. Pre-Application Conference. Before submitting an application for a Commercial Planned District, the applicant shall confer with the Administrative Officer to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
 2. Submission Of CPD Application And Preliminary Development Plans. An applicant shall make application for a Commercial Planned District to the City of St. Peters. The application shall be submitted in compliance with the procedure outlined in Section 405.775 "Amendments and Changes".
 3. Preliminary Development Plan Content. The following information shall appear on the preliminary development plan:
 - a. In conjunction with the submittal of an application for a Commercial Planned District, a site development plan shall be submitted for review and approval. The plan shall comply with the requirements of Section 405.460(D). Additional information pertinent to the specific development may also be required on the plan.
 - b. A public hearing shall be held and legal notice of the proposed Commercial Planned District shall be provided for in compliance with

Section 405.775.

- c. **Guarantee Of Completion.** The ordinance shall specify a period of time guaranteeing completion of the project that shall not exceed five (5) years unless extended by recommendation of the Commission for due cause shown and approved by the Board of Aldermen. The ordinance shall require a performance bond or escrow agreement covering one hundred percent (100%) of the estimated cost of all improvements.
- d. **Amendment Of A Commercial Planned District.** All amendments to an existing Commercial Planned District agreement or plan shall be proposed in writing to the Planning Department. Support documentation and site plans shall be provided as necessary. The Planning Department shall review the proposed amendments and refer said all amendments to the Planning Commission as necessary. Minor amendments shall be reviewed and acted on by the Planning Commission. Major amendments shall be forwarded from the Planning Commission to the Board of Aldermen and may include a public hearing at the Planning Commission. All required submittals to the Planning Commission shall be subject to regular submittal fees and processes. **[Ord. No. 7458, 6-24-2021]**
- e. **Review Of Abandoned Projects.** In the event that a development plan, or section thereof, is given final approval and, thereafter, the applicant or his/her successors fails to commence the Commercial Planned District development within two (2) years after final approval has been granted, then such final approval shall terminate and be deemed null and void unless such time period is extended by the Board of Aldermen after report by the Planning and Zoning Commission upon written application by the applicant or his/her successors. Upon termination of an approval, the Planning and Zoning Commission shall review any changes in the Zoning District Map brought by the proposed development. If the Commission finds said changes to be inappropriate, the Commission shall recommend to the Board of Aldermen that the map be revised in accordance with the procedures for changes and amendments.

Section 405.230. "I-1" Light Industrial District. [R.O. 2007 § 405.230; Ord. No. 1523 §§ 5.1100 — 5.1109, 5-11-1989; Ord. No. 1703 § 1, 12-13-1990; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2692 § 1, 6-12-1997; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3039 § 1, 5-13-1999; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3474 § 1, 7-12-2001; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3961 § 1, 1-20-2004; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5339 § 10, 2-25-2010; Ord. No. 5466 § 7, 8-26-2010; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 9, 4-30-2012; Ord. No. 5756 § 12, 5-24-2012]

- A. **Purpose Of The District.** This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale and retail service uses. These uses may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the Heavy Industrial District.

- B. Uses Permitted. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited: **[Ord. No. 6249 § 10, 10-23-2014; Ord. No. 7192, 8-22-2019]**
1. Developments commonly known as business/industrial parks.
 2. Sports facilities including gymnasiums and indoor and outdoor courts.
 3. Manufacturing or fabrication of any commodity from semi-finished materials except explosives or flammable gases or liquids (including small electrical appliances or electronic apparatus, medical instruments and supplies, sheet metal products including heating and ventilation ducts and equipment) and self-storage warehousing services (retail and wholesale uses).
 4. Laboratories and office/research and testing, and public utility facilities.
 5. Light industrial/commercial uses which will not have negative impact related to dust, smoke, vibration, noise, odor, effluents or traffic generation.
 6. Professional offices including contractors' and engineers' offices.
 7. Indoor cultivation. **[Ord. No. 7458, 6-24-2021]**
 8. (Reserved)
 9. Specialty supply/center services (wholesale/retail).
 10. Data programming services.
 11. Sporting goods/outdoor equipment supplies.
 12. Motor vehicle rental company.
 13. Light and heavy vehicle repair.
 14. Residential or out-patient facilities for the treatment of alcohol and other drug abuse.
 15. Body art establishments, body piercing, and branding. **[Ord. No. 7405, 12-17-2020]**
 16. Cemeteries and related accessory buildings including crematoriums.
 17. Indoor crop cultivation and processing/manufacturing.
- C. (Reserved)
- D. Special Use Permit Required. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014; Ord. No. 6598 § 3, 8-25-2016; Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
1. Metal salvage and/or recycling operation.
 2. Vehicle storage (any type vehicle) or impound yard, other than the sale of operable motor vehicles from or on the premises; equipment storage yard.

3. Wireless facilities or wireless support structures.
 4. Correctional institutions.
 5. (Reserved)
 6. (Reserved)
 7. Wholesale lumber operations including milling, light assembly, batch plant (materials assembly and mixing) and similar uses.
 8. The sale and brokerage of firearms, including the transfer of firearms; firearm repair; ammunition sales.
 9. (Reserved)
 10. Title loan businesses, check cashing businesses, payday loans or similar businesses.
 11. Commercial vehicle storage when the vehicles are not related to the business on the subject lot.
 12. Kennels, including interior and exterior kennels as defined by this Chapter.
 13. Indoor shooting ranges.
 14. (Reserved)
 16. Wind turbine — accessory.
 17. Wind turbine — primary.
 18. Solar panel — primary.
 19. Hunting of wildlife.
 20. Sale, barter, exchange or rental of new or used motor vehicles, tractors, semitrailers, trailers, snowmobiles or all-terrain vehicles, including trailer dealers.
- E. Building/Structure Height. No building or structure shall be erected or enlarged to exceed forty-five (45) feet in height except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**
- F. Lot Area, Storage And Yard Requirements.
1. There shall be no minimum lot area requirements in this district.
 2. Not more than forty percent (40%) of the lot containing any use permitted in this district may be used for open storage of raw materials, finished goods, or any other material.
 3. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth. No building shall be located closer than ten (10) feet to a side lot line and fifteen (15) feet to a rear lot line, except when adjacent to a residential district where a forty (40) foot

wide or rear yard is required.

4. A wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
- G. Parking Requirements. See Article VII, "Off-Street Parking and Loading Regulations".
- H. Screening And Landscaping. See Section 405.390 "Landscaping and Screening".
- I. Miscellaneous Requirements.
1. All exterior solid waste containers and container racks or stands shall be screened from public view. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment, or stock shall be located as approved by the Planning Department.
 2. Where an "I-1" Light Industrial District is adjacent to any residential zoning district, a landscaped green belt at least twenty (20) feet in width shall be provided continuously on the back and/or sides of the industrial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along appropriate property line by the users of the "I-1" Light Industrial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.
 3. Any structure in an "I-1" Light Industrial District, other than wireless support structures, exceeding forty-five (45) feet in height which adjoins property in a Residential District shall be set back from such property line, in addition to the minimum required setback, a distance of one (1) foot for every two (2) feet in height above forty-five (45) feet; a lesser setback may be allowed if the six-foot screening buffer is increased in height according to the aforementioned proportions. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
 4. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning Department. All temporary businesses shall meet building setbacks of the underlying district.
 5. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear

or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.

6. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
7. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
8. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).

Section 405.240. "I-2" Heavy Industrial District. [R.O. 2007 § 405.240; Ord. No. 1523 §§ 5.1200 — 5.1208, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 1703 § 1, 12-13-1990; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3039 § 1, 5-13-1999; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3474 § 1, 7-12-2001; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 8, 1-8-2009; Ord. No. 5466 § 8, 8-26-2010; Ord. No. 5502 § 1, 11-18-2010; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 10, 4-30-2012; Ord. No. 5756 § 13, 5-24-2012]

- A. Purpose Of The District. This district is intended to provide for heavy industrial uses not otherwise provided for in the districts established by this Chapter. The intensity of uses permitted in this district make it desirable that they be buffered from residential areas whenever possible.
- B. Uses Permitted. Only the following buildings, structures and uses of parcels and lots are permitted; all others are expressly prohibited except as permitted upon review and approval: **[Ord. No. 6249 § 11, 10-23-2014; Ord. No. 7192, 8-22-2019]**
 1. All uses permitted and those allowed upon review and approval by the Planning and Zoning Commission in the "I-1" Light Industrial District except as otherwise noted.
 2. All industrial/warehousing permitted in the Light Industrial District and manufacturing, assembling, handling or fabrication of raw materials, or warehousing, either freestanding or in campus grouping, including, but not limited to, foundry casting, forgings, pressings, machining and so forth; laundry, cleaning and dyeing works and carpet and rug cleaning; building materials (cement, lime in bags or containers, sand, stone, pipe or the like), storage or sales.
 3. Structures and uses clearly accessory to the normal operation of the above uses.
 4. Heavy equipment sales and/or rentals.

5. Motor vehicle rental company.
 6. Light and heavy vehicle repair.
 7. Residential or out-patient facilities for the treatment of alcohol and other drug abuse.
 8. Tattoo establishments, body piercing, and branding. **[Ord. No. 7405, 12-17-2020]**
 9. Cemeteries and related accessory buildings including crematoriums.
 10. Indoor cultivation. **[Ord. No. 7458, 6-24-2021]**
- C. (Reserved)
- D. Special Use Permit Required. Industrial uses similar to those below but not limited to the following which because of their intensity and nature may have a detrimental impact to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluents. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014; Ord. No. 6598 § 4, 8-25-2016; Ord. No. 6599 § 5, 8-25-2016; Ord. No. 6865, 11-9-2017; Ord. No. 7192, 8-22-2019]**
1. Asphalt manufacturing, refining or preparation.
 2. Meat packing and processing (including slaughtering).
 3. Rendering.
 4. Fertilizer manufacturing from organic materials or its compounding.
 5. Storage of fuels or chemicals (whether in tanks or other containers).
 6. Metal salvage and/or recycling operation.
 7. Petroleum refining or storage facility.
 8. Vehicle storage (any type vehicle) or impound yard other than the sale of operable motor vehicles from or on the premises.
 9. Any industry involved in the use of, processing of, or disposal of, and temporary storage of radioactive materials and other materials deemed as hazardous waste.
 10. The treatment of hides or raw leather.
 11. Any industry involved in the production, manufacture and/or storage of explosives or ammunitions.
 12. Concrete manufacturing, refining or preparation.
 13. Any industry involved in the use of, processing of, or disposal of, and temporary storage of solid wastes.
 14. Correctional institutions, sanitariums and/or institutions for the insane.

15. (Reserved)
 16. Adult-oriented business, bookstore, video store or peep show.
 17. Wholesale lumber operations including milling, light assembly, batch plant (materials assembly and mixing) and similar uses.
 18. The sale and brokerage of firearms, including the transfer of firearms; firearm repair; ammunition sales.
 19. (Reserved)
 20. Title loan businesses, check cashing businesses, payday loans or similar businesses.
 21. Wireless facilities or wireless support structures.
 22. Kennels, including interior and exterior kennels as defined by this Chapter.
 23. (Reserved)
 24. Sale, barter, exchange or rental of new or used motor vehicles, tractors, semitrailers, trailers, snowmobiles or all-terrain vehicles, including trailer dealers.
 25. Wind turbine — accessory.
 26. Wind turbine — primary.
 27. Solar panel — primary.
 28. Hunting of wildlife.
- E. Building/Structure Height. No building or structure shall be erected or enlarged to exceed forty-five (45) feet in height except upon review and approval by the Planning and Zoning Commission. **[Ord. No. 6865, 11-9-2017]**
- F. Lot Area, Storage And Yard Requirements.
1. Not more than sixty percent (60%) of the lot containing any use permitted in this district may be used for open storage of raw materials, finished goods, or any other material.
 2. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth. No building shall be located closer than ten (10) feet to a side lot line and fifteen (15) feet to a rear lot line, except when adjacent to a residential district where a seventy (70) foot wide or rear yard is required.
 3. A wireless support structure shall be located a distance of no less than one hundred (100) feet from any dwelling and no less than one hundred percent (100%) of the wireless support structure's height from the property boundaries. Additional setbacks from dwellings in excess of one hundred (100) feet may be stipulated in the special use permit in accordance with the provisions of Section 405.526(D). Setbacks from any other structures shall be set forth in

the special use permit in accordance with the provisions of Section 405.526(D). **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**

G. Parking Requirements. See Article VII, "Off-Street Parking and Loading Regulations".

H. Screening And Landscaping. Section 405.390 "Landscaping and Screening".

I. Miscellaneous Requirements.

1. All exterior solid waste containers and container racks or stands shall be screened from public view. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment, or stock shall be located as approved by the Planning Department.
2. Where an "I-2" Heavy Industrial District is adjacent to any residential zoning district, a landscaped green belt at least twenty-five (25) feet in width shall be provided continuously on the back and/or sides of the industrial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the "I-2" Heavy Industrial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.
3. Any structure in an "I-2" Heavy Industrial District, other than wireless support structures, exceeding forty-five (45) feet in height which adjoins property in a Residential District shall be set back from such property line, in addition to the minimum required setback, a distance of one (1) foot for every two (2) feet in height above forty-five (45) feet; a lesser setback may be allowed if the six-foot screening buffer is increased in height according to the aforementioned proportions. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 2, 8-14-2014]**
4. Temporary businesses, including plant sales and the sales of Christmas trees and holiday items, shall be located as approved by the Planning Department.
5. Vehicles used in conjunction with the operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.
6. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
7. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business

establishments in that center.

8. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).

Section 405.250. "PUD" Planned Urban Development. [R.O. 2007 § 405.250; Ord. No. 1523 §§ 5.1300 — 5.1307, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 5339 § 11, 2-25-2010]

- A. Introduction. The granting of a Planned Urban Development "PUD" shall be in accordance with the procedure set forth below and in no way should be construed as an automatic right by the applicant. The granting of a "PUD" is the legal responsibility of the St. Peters Board of Aldermen upon recommendation of the Planning and Zoning Commission.
- B. Purpose Of The District. A planned urban development is intended to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land, will result in a more efficient, aesthetic and desirable use of area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potentials of sites characterized by special features of geography, topography, size, or shape.
- C. Design Standards.
 1. Minimum Project Area.
 - a. The area required to establish a "PUD" shall be a minimum of one (1) acre in all zoning districts.
 - b. In calculating the minimum area for a "PUD", the measurements shall not include the area of any existing dedicated streets or alleys.
- D. Uses Limited To A Planned Urban Development. All permitted uses, accessory uses, or special uses are permitted in accordance with their respective district requirements. The zoning classification shall determine the general range of uses permitted in any "PUD" as described below: **[Ord. No. 7192, 8-22-2019]**

| "PUD" DESIGNATED | USES LIMITED TO THE FOLLOWING DISTRICTS: |
|-----------------------------|--|
| "A" | "R-1", "R-2", "R-3", "C-1", "C-2", "C-3", "I-1", "I-2" |
| "R-1" | "R-1", "R-2", "R-3", "C-1" |
| "R-2" | "R-1", "R-2", "R-3", "C-1", "C-2" |
| "R-3" | "R-1", "R-2", "R-3", "C-1", "C-2", "C-3" |
| "R-M" | "R-1", "R-2", "R-3", "C-1", "C-2" |

| "PUD" DESIGNATED | USES LIMITED TO THE FOLLOWING DISTRICTS: |
|-----------------------------|---|
| "C-1" | "R-1", "R-2", "R-3", "C-1" |
| "C-2" | "R-1", "R-2", "R-3", "C-1", "C-2" |
| "C-3" | "R-1", "R-2", "R-3", "C-1", "C-2", "C-3" |
| "C-4" | "R-1", "R-2", "R-3", "C-1", "C-2", "C-3", "C-4" |
| "I-1" | "R-3", "C-2", "C-3", "I-1" |
| "I-2" | "C-2", "C-3", "I-1", "I-2" |

E. Project Area Densities.

1. Density Bonuses. In order to attract developers to utilize the "PUD", the applicant may be eligible for a maximum increase of thirty percent (30%) in the total number of dwelling units upon application for "PUD" change. Such density increases may be granted only by the Board of Aldermen according to the following:

| Maximum Percentage Increase | Design Element |
|--|--|
| 10% | For each five percent (5%) net development area (up to thirty percent (30%) devoted to improved usable open space). |
| 5% | Provision of pedestrian ways (pedestrian, bicycle paths). |
| 5% | Provision of tree and shrub planting, including peripheral and interior screen planting and fencing, landscaping and parking lots, and the use of existing trees in the plan. This provision is in addition to the required screening requirements. |
| 5% | Creative building site designs, and groupings which take advantage of natural terrain and minimize future water runoff and erosion problems; use of LEED practices as recognized by Green Building Certification Institute (GBCI); use of Low Impact Design (LID) techniques into the overall design. Variations in building design are permissible. |
| 5% | Recreational facilities, not to exceed three percent (3%) for each; swimming, tennis court, and community center or club building. |

2. Calculations Of Project Density. The Board of Aldermen shall approve the maximum density allowed in any "PUD". In calculating the density for a tract of land, the developer and/or applicant is encouraged to consult the City's Comprehensive Plan (see Future Land Use Map) to assure compatibility and harmony with surrounding densities. If density bonuses (increases) are

requested under this Section, the developer is expected to document all site amenities or improvements for the City's review and consideration.

F. Management And Use Of Open Space In A Planned Urban Development. Note: This Section shall be read in conjunction with Subdivision Regulations of the City of St. Peters.

1. In a planned urban development, all land not subdivided into lots or used as the building site for multiple-family dwellings, for public roads, alleys, privately maintained off-street parking facilities, drainage easements, utility easements, potential or existing school sites, drainage canals or detention basins shall be deemed "open space" and be disposed of in the following manner:
 - a. Dedication To The City.
 - (1) The geographic configuration area and location of land to be dedicated for open space shall be approved by the Board of Aldermen. The Planning and Zoning Commission and Board shall review the written recommendations of the Park Department during the time an application or approval to establish a planned urban development is under consideration.
 - (2) A notation shall be placed on the recorded plat identifying all property deeded to the Governing Body and the stated purpose for which it was deeded to the City.
 - b. Ownership Of A Non-Profit Homeowners Association. The association shall maintain the common land and any buildings, recreation facilities, sidewalks, private utilities, sewers, or private streets upon it. The association shall levy among all owners of lots and all owners of condominium units for the purpose of raising funds to:
 - (1) Maintain the common land.
 - (2) Pay real estate taxes assessed on the common land.
 - (3) Pay any insurance premiums on the common land.
 - (4) Pay for any improvements which the homeowners association deems necessary for the common land.
2. General Consideration Relating To Open Space In A Planned Urban Development.
 - a. Every parcel of open space deeded to the City shall have frontage along a public road.
3. Review Guidelines (site Development Plan).
 - a. In conjunction with the submittal of an application for a planned urban development, a site development plan shall be submitted for review and approval. The plan shall comply with the requirements of Section 405.460(D). Additional information pertinent to the specific development

may also be required on the plan.

- b. A public hearing shall be held and legal notice of the proposed planned urban development shall be provided for in compliance with Section 405.775.
 4. Compliance with the requirements of this Section in regards to land uses and density, including specific reasons and documentation for recommending increased density if such recommendation is made.
 5. General conformance and compatibility with the Comprehensive Plan (see Future Land Use Plan).
 6. The internal relationship of land uses within the proposed project area to existing and planned uses in the surrounding area.
 7. The general layout of the internal transportation system, including parking and pedestrian circulation and the relationship of that system to exterior transportation facilities and the major streets plan.
 8. The adequacy of proposed public facilities including water supply and distribution, sanitary sewers, storm drainage, school site and recreational areas.
 9. The adequacy of proposed easements or provisions for dedication of any land or facilities to the City or for operation and maintenance of any land or facilities reserved for the common use of occupants of the project.
 10. Any other recommendations deemed essential by the Planning and Zoning Commission for review and consideration of the PUD project.
- G. Procedure For Review And Disposition Of Planned Urban Development. To obtain a "PUD" on any tract of land currently zoned within the City's corporate limits, the developer/petitioner must, in general, follow the legislative procedures of rezoning. With respect to newly annexed territories, the Board of Aldermen may, from time to time, establish or set a "PUD" on a given tract of land. In any case, certain minimum documentation shall be provided as described in the following process including public hearings.
1. Pre-Application Conference. Before submitting an application for a planned urban development, the applicant shall confer with the Administrative Officer to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.
 2. Submission Of PUD Application And Preliminary Development Plans. An applicant shall make application for a planned urban development to the City of St. Peters. Accompanying the application shall be a processing fee as stated in Appendix A of Title IV, or as otherwise required (refer to Article X, Section 405.775, "Amendments and Changes") payable to the City of St. Peters, none of which shall be refundable. Said fee shall apply only when there is a rezoning.

3. Preliminary Development Plan Content. The following information shall appear on the preliminary development plan:
 - a. In conjunction with the submittal of an application for a planned urban development, a site development plan shall be submitted for review and approval. The plan shall comply with the requirements of Section 405.460(D). Additional information pertinent to the specific development may also be required on the plan.
 - b. A public hearing shall be held and legal notice of the proposed planned development unit shall be provided for in compliance with Section 405.775.
 - c. The procedures, policies and requirements that must be followed for final plat approval shall conform to the standard subdivision plat review process. (See Subdivision Regulations for preliminary and final plat process and requirements.) No building permit shall be issued until a final plat of the proposed development, or part thereof, is approved by the Board of Aldermen.
4. Guarantee Of Completion. Before approval of a final plan, the Board of Aldermen shall require a contract with safeguards approved by the City Attorney securing construction of public improvements and guaranteeing completion of the development plan, or designation section thereof, in a period to be specified by the Commission, but which period shall not exceed five (5) years unless extended by recommendations of the Commission for due cause shown and approved by the Board of Aldermen. The contract shall provide a performance bond or escrow agreement covering one hundred percent (100%) of the estimated cost of all improvements.
5. Amendment Of A Planned Urban Development. All amendments to an existing PUD agreement shall be proposed in writing to the Planning Department. Support documentation and site plans shall be provided as necessary. The Planning Department shall review the proposed amendments and refer said amendments to the Planning Commission as necessary. Minor amendments shall be reviewed and acted on by the Planning Commission. Major amendments shall be forwarded from the Planning Commission to the Board of Aldermen and may include a public hearing at the Planning Commission. All required submittals to the Planning Commission shall be subject to regular submittal fees and processes. **[Ord. No. 6249 § 12, 10-23-2014]**
6. Review Of Abandoned Projects. In the event that a development plan, or section thereof, is given final approval, and thereafter, the applicant or his/her successors fails to commence the planned urban development within two (2) years after final approval has been granted, then such final approval shall terminate and be deemed null and void unless such time period is extended by the Board of Aldermen after report by the Planning and Zoning Commission upon written application by the applicant or his/her successors. Upon termination of an approval, the Planning and Zoning Commission shall review any changes in the Zoning District Map brought by the proposed development.

If the Commission finds said changes to be inappropriate, the Commission shall recommend to the Board of Aldermen that the map be revised in accordance with the procedures for changes and amendments.

7. Termination Of Projects. All documents stating all terms of all "PUD" agreements must be signed and filed with the City Administrator's office within forty-five (45) days after the Board of Aldermen approves the ordinance authorizing the City Administrator to enter into a "PUD" agreement. If the final agreement is not filed with the City Administrator's office within this forty-five (45) day time period, the "PUD" zoning shall be rescinded and revoked.

Section 405.260. St. Peters Centre Special District. [R.O. 2007 § 405.260; Ord. No. 1523 §§ 5.1400 — 5.1412, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2930 § 1, 10-8-1998; Ord. No. 3039 § 1, 5-13-1999; Ord. No. 3082 § 1, 8-12-1999; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3701 § 1, 9-12-2002; Ord. No. 3961 § 1, 1-20-2004; Ord. No. 3975 § 1, 1-20-2004; Ord. No. 4178 § 1, 12-9-2004; Ord. No. 4236 § 1, 3-10-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4554 § 1, 6-22-2006; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 9, 1-8-2009; Ord. No. 5409 § 1, 5-27-2010; Ord. No. 5563 § 9, 3-24-2011; Ord. No. 5742 § 11, 4-30-2012]

- A. Purpose Of The District. The purpose of this district is to ensure high quality and aesthetically pleasing development within selected areas of the City. The regulations for this District will allow for appropriate controls over the development thereof which will create and enhance land values and act as an incentive to obtaining the highest quality development.

- B. Subdistricts. Within the St. Peters Centre District there shall be five (5) Subdistricts, as follows:

1. "SD-I" Special District Institutional.
2. "SD-OC" Special District General Office/Commercial.
3. "SD-RC" Special District General Retail/Service Commercial.
4. "SD-LI" Special District Light Industrial.
5. "SD-T" Special District Technical

The boundaries of the District and Subdistricts shall be delineated on the Official Zoning District Map of the City as provided for in Article II of this Chapter. Said Zoning District Map as defined and provided for therein is hereby made a part of this Chapter.

- C. Authorized Uses.

1. Use of land shall be governed by Subsection (N) Table 1 herein.
2. Uses Permitted By Special Use Permit.

- a. The uses conditionally permitted within each Subdistrict are listed in Subsection (N) Table 1, and require a special use permit.
 - b. Within the "SD-OC" Subdistrict, the retail sale of goods or services conditionally permitted as listed in Subsection (N) Table 1 shall be restricted to a maximum of thirty percent (30%) of the total floor area within a single planned development area.
3. General. Uses which are not specifically listed in Subsection (N) Table 1 as permitted or conditionally permitted are prohibited, provided that activities or uses which are determined by the Administrative Officer to be necessary to, supportive of and compatible with, a primary authorized use shall be permitted.
- D. Lot Area, Setbacks And Bulk Regulations. The following dimensional restrictions shall apply per each Subdistrict as indicated below:

| | "SD-I" | "SD-LI" | "SD-OC" | "SC-RC" | "SD-T" |
|----------------------------------|----------|----------|----------|---------|---------|
| Minimum Planned Development Area | 10 Acres | 10 Acres | 10 Acres | 5 Acres | 5 Acres |
| Minimum Lot Area | 4 Acres | 2 Acres | 2 Acres | 1 Acre | 2 Acres |
| Minimum Lot Width | 150 Ft. | 150 Ft. | 150 Ft. | 150 Ft. | 150 Ft. |
| Maximum Lot Coverage | 80% | varies | varies | varies | varies |
| Maximum Heights* | 45 Ft. | 35 Ft. | 75 Ft. | 35 Ft. | 35 Ft. |

* The Planning and Zoning Commission may upon review approve such additional heights as may be deemed appropriate while considering the relationship of building height to bulk and density of adjacent properties and providing for the safety of the structure and its intended users.

- E. Minimum Building Setbacks. [Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 3, 8-14-2014]

| | "SD-I" | "SD-LI" | "SD-OC" | "SD-RC" | "SD-T" |
|------------------|--------|---------|---------|---------|--------|
| Front yard (ft): | | | | | |
| a) Arterial | 50 | 40 | 40 | 35 | 40 |
| b) Collector | 45 | 35 | 40 | 35 | 35 |
| c) Local | 35 | 35 | 35 | 35 | 35 |
| Side yard (ft)* | 20 | 20 | 15 | 15 | 20 |
| Rear yard (ft)* | 40 | 40 | 30 | 25 | 40 |

| | "SD-I" | "SD-LI" | "SD-OC" | "SD-RC" | "SD-T" |
|-----------------------------|---|---|---|---|---|
| Wireless support structures | 100% of the wireless support structure's height | 100% of the wireless support structure's height | 100% of the wireless support structure's height | 100% of the wireless support structure's height | 100% of the wireless support structure's height |

* Except where abutting residential as provided for under site design requirements.

- F. Minimum Parking Setbacks. No parking space, loading space or internal drive, except point of ingress or egress, shall be located in the following setbacks:

| | "SD-I" | "SD-LI" | "SD-OC" | "SD-RC" | "SD-T" |
|------------|--------|---------|---------|---------|--------|
| Front Yard | 15 | 15 | 20 | 15 | 15 |
| Side Yard* | 15 | 15 | 15 | 15 | 15 |
| Rear Yard* | 10 | 10 | 10 | 10 | 10 |

* Except where abutting residential as provided for under site design requirements.

- G. Ingress And Egress.

1. Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
2. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
 - a. Along shared entrance drives, parking spaces shall be permitted within the required parking setback area.

- H. Off-Street Parking And Loading.

1. Off-street parking and loading spaces may be located in required front, side or rear yards, except no parking may be located within twenty (20) feet of adjacent residential districts, and all parking or loading spaces adjacent to residential districts or in a front yard shall be screened and/or bermed.
2. No off-street loading spaces may be located in a required front yard.
3. The number, type and dimensions of parking spaces required shall be in accordance with the provisions of Article VII, Sections 405.540 et seq. of this Chapter.
4. All parking lots, driveways and private streets shall be required to have a minimum six (6) inch vertical concrete curb.
5. Vehicles used in conjunction with operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not

obstruct visibility of the shopping center entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.

I. Site Design Requirements.

1. Landscaping And Open Space. Prior to the approval of a final site plan, the developer shall submit a landscaping plan which shall conform to the following:
 - a. All yards and open spaces along exterior or interior streets shall be landscaped with trees and shrubs graded to provide typical topographic relief (mounds and berms) and sodded.
 - b. Any part of a lot not used for buildings or other structures or for parking, loading or access ways shall be landscaped with grass, ground cover, trees, shrubs and pedestrian walks.
 - c. For all lots, the size of all landscape materials shall comply with the Tree and Landscape Article. See Chapter 535.
 - d. For all buildings, there shall be one (1) two and one-half (2 1/2) inch caliper tree existing or planted for every four (4) parking spaces. Seventy-five percent (75%) shall be located within the paved area.
 - e. Trees shall be spaced no greater than fifty (50) feet on center across all front yards.
 - f. Foundation planting shall be planted and maintained along all exterior walls of all buildings at the ratio of one (1) plant material for every five (5) lineal feet of exterior wall. Said plant material may be clustered or otherwise arranged for optimum visual effect rather than being spaced evenly along the building perimeter.
 - g. A twenty (20) foot landscaped buffer (transition yard) and sight proof fence or landscaped berms shall be provided and maintained along all rear and side property lines which abut a residential district or development.
 - (1) The buffer area shall contain evergreen plant material with a minimum height of six (6) feet, planted on ten (10) foot centers.
 - (2) All fences, except those associated with institutional uses, shall be vinyl or masonry material limited to a maximum height of six (6) feet, and shall not extend beyond the front building line of the subject property. The fence may be located on the side and rear property lines, but if the fence is located on an utility easement and maintenance of utility lines are required in that area, then the property owner is responsible for replacement of the fence if removed.
 - h. The minimum area to be devoted to green open space and landscaping shall be equal to a percentage of the gross area of the site as follows:

| Gross Area | Green Space and Landscaping |
|--------------------|-----------------------------|
| 1 to 1.999 acres | 30% |
| 2 to 3.999 acres | 25% |
| 4 acres and larger | 20% |

- i. Each site, upon development, shall have installed an automatic, permanent irrigation system designed to cover all landscaped areas, if significant in size.
2. Screening And Berming.
 - a. All HVAC units, electric, telephone and gas meters, satellite dishes and rooftop mechanical apparatus shall be thoroughly screened with appropriate materials or landscaping to conceal the visibility of the object.
 - b. Outside trash enclosures shall be screened with a masonry material to match or complement the primary building. The masonry screening shall be a maximum of six (6) feet in height unless otherwise approved by the Planning Commission.
 - c. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment or stock shall be located as approved by the Planning Department.
3. Sidewalks And Bikeways. Sidewalks and bikeways shall be provided along all collector and arterial street frontages in conformance with the requirements set forth in this Chapter.
4. Underground Utility Systems. All utility lines, including power and telephone lines, shall be located underground except designated overhead utility corridors as approved by the Planning and Zoning Commission.
5. Lighting.
 - a. All exterior lighting, building and parking lot lights and landscape lighting, shall be directed away from adjacent highways, streets and properties so that no light is cast on adjoining properties or public roadways.
 - b. No light standard utilized for the illumination of parking areas shall exceed thirty (30) feet in height. No other light standard shall exceed eighteen (18) feet in height.
 - c. All lighting shall be served with underground cable.
 - d. All parking areas and walkways shall be illuminated so as to produce a uniform illumination of two (2) foot-candles within said areas.

J. Architectural Criteria.

1. All sides of structures shall receive equal architectural treatment or be compatible with each other as determined by the Planning and Zoning Commission.
2. The use of decorative masonry, glass and decorative metal panels is required for exterior facing materials. A minimum of ninety percent (90%) of the building facades on new buildings approved after January 1, 2007 shall be treated with masonry products. Non-decorative prefabricated metal and non-decorative cinder block building exterior is prohibited. Buildings shall also comply with the criteria outlined in Section 405.460(E)(4).
3. Building elevations for each development shall be submitted to the Planning and Zoning Commission for review and approval. These elevations shall comply with the requirements of Section 405.460(E)(3) submission guidelines/requirements.

K. Sign Regulations.

1. Developments with less than seven hundred fifty (750) feet of frontage on Interstate 70 shall be permitted one (1) freestanding business sign. Developments with frontage of seven hundred fifty (750) feet or more on Interstate 70 shall be permitted two (2) freestanding business signs, provided that there is a minimum distance of four hundred (400) feet between the two (2) signs.
 - a. The maximum height of said sign(s) shall be thirty-five (35) feet from adjacent ground elevation or the average elevation of Interstate 70 fronting on the site, whichever is greater.
 - b. The maximum size of said signs shall be limited to one hundred (100) square feet per facing and a total aggregate area of two hundred (200) square feet.
2. All other developments shall be limited to one (1) freestanding, monument-type business sign per street frontage which shall be limited to a maximum height of six (6) feet and a maximum size of twenty-four (24) square feet per facing and a total aggregate area of forty-eight (48) square feet.
3. A changeable copy sign of a maximum of twenty-four (24) square feet shall be permitted in conjunction with each business sign. The changeable copy sign shall comply with the general regulations of Section 405.745(D)(5) of this Chapter except digital changeable copy signs shall only be permitted at businesses fronting on Spencer Road, Veterans Memorial Parkway and Mexico Road.
 - a. In lieu of a business sign and changeable copy sign, one (1) freestanding, monument-type business sign limited to a maximum of six (6) feet in height and a maximum size of forty-eight (48) square feet per face shall be permitted. However, these combined signs shall not be digital.
4. No off-premise (billboard-type) advertising signs shall be permitted within the district, including those properties fronting on Interstate 70.

5. Attached wall signs shall be permitted in accordance with the sign provisions of Article IX of this Chapter. However, a maximum of one (1) wall sign per building above the ground floor shall be permitted
 6. Temporary signs shall be governed by Section 405.750 of this Chapter, as amended.
 7. No temporary or permanent window sign shall be permitted within the Special District.
- L. Motor Vehicle Oriented Businesses (MVOB). All motor vehicle oriented businesses, except those in a planned development area where the means of ingress and egress to the MVOB is via the internal circulation system, shall be a minimum of three hundred (300) feet from all other motor vehicle oriented businesses, which distances shall be computed as follows:
1. For such businesses on the same side of the street, a minimum of three hundred (300) feet between the two (2) closest property lines shall be determined as the minimum distance.
 2. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from both or either front corner of said proposed lot, across the street and perpendicular to the street right-of-way on the opposite side of the street at a point less than three hundred (300) feet from the closest property corner of an already existing or approved motor vehicle oriented business lot on said opposite side of the street.
 3. For four (4) corner intersections, two (2) motor vehicle oriented businesses may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another; however, no other motor vehicle oriented businesses shall be allowed within three hundred (300) feet of those intersection corners that are unoccupied nor within three hundred (300) feet of the property lines of these motor vehicle oriented businesses so situated on corner lots.
- M. Planned Development Area.
1. The total development area within all planned developments within the special district shall comply with the minimum lot area as designated in Subsection (D).
 2. All uses within each planned development shall be uses permitted in the special district and multiple family uses.
 3. Each application for a planned development shall comply with the application requirements outlined in Section 405.775.
 4. Each application for a planned development shall include a site plan that complies with the requirements outlined in Section 405.460.
 5. All planned developments shall meet the minimum requirements of the special district related to building architecture. Landscaping, signs, lighting and other site design features shall be as approved by the Board of Aldermen in the

Planned Development Area Agreement.

- N. Table 1 — Land Use Category. [Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 4, 8-14-2014; Ord. No. 6249 § 13, 10-23-2014; Ord. No. 6980, 6-28-2018; Ord. No. 7192, 8-22-2019]

| Land Use Category | "SD-I" (Institutional) | "SD-OC" (Office/Com) | "SD-RC" (Retail/Com) | "SD-LI" (Light Ind) | "SD-T" (Technical) |
|---|---------------------------|-------------------------|-------------------------|------------------------|-----------------------|
| Banking facilities | A | A | A | A | A |
| Car Washes | P | P | S* | P | P |
| Churches, synagogues, and temple | A | A | A | A | A |
| Civic, social, and fraternal associations/ organizations | A | A | A | A | A |
| Convenience stores (without gasoline) | S | A | A | A | A |
| Convents, monasteries, or other religious campuses | A | S | S | S | S |
| Day care facilities: | | | | | |
| Child day care | A | A | A | P | A |
| Adult day care | A | A | A | P | A |
| Gasoline service stations | P | S | S | S | S |
| Hotels and motels | P | A | A | P | S |
| Laboratory (research) | A | A | A | A | A |
| Manufacturing (Light) | P | P | P | S | S |
| Manufacturing (Heavy) | P | P | P | S | P |
| Medical services: | | | | | |
| Physician, dental, optometry office | S | A | A | P | A |
| Medical out-patient clinic | S | A | A | P | A |
| Medical out-patient physical therapy personal training and fitness instruction | S | A | A | P | A |
| Medical out-patient surgery | S | A | A | P | S |
| Medical in-patient physical therapy | A | A | A | P | S |

| Land Use | | "SD-I" | "SD-OC" | "SD-RC" | "SD-LI" | "SD-T" |
|-------------------------|---|-----------------|--------------|--------------|-------------|-------------|
| Category | | (Institutional) | (Office/Com) | (Retail/Com) | (Light Ind) | (Technical) |
| | Therapeutic massage establishments | A | A | A | A | A |
| | Hospitals | A | S | S | P | S |
| | Mortuaries/funeral homes | P | A | A | P | S |
| | Nursing/convalescent homes or centers | S | S | S | S | S |
| Parks: | | | | | | |
| | Public | A | A | A | A | A |
| | Private | A | A | A | A | A |
| | Petroleum storage facility (above ground) and related structures | P | P | P | S | P |
| | Physician, dental, optometry office | A | A | A | A | A |
| Professional offices: | | | | | | |
| | General offices | P | A | A | A | A |
| | Law, accounting, insurance | P | A | A | A | A |
| | Architecture, engineering, planning | P | A | A | A | A |
| | Real estate services, data processing | P | A | A | A | A |
| | Professional offices (other): Offices in conjunction with low intensity, light assembly components accomplished in a clean, office type setting | P | S | S | A | A |
| Residential uses: | | | | | | |
| | Single-family, attached single-family, or multiple-family uses | P | S | S | S | P |
| Retail sales (general): | | | | | | |
| | Books, magazines, periodicals | P | A | A | P | S |
| | Clothing | P | A | A | P | S |

| Land Use | | "SD-I" | "SD-OC" | "SD-RC" | "SD-LI" | "SD-T" |
|-----------------------------|--|-----------------|--------------|--------------|-------------|-------------|
| Category | | (Institutional) | (Office/Com) | (Retail/Com) | (Light Ind) | (Technical) |
| | Confectionery stores | P | A | A | P | S |
| | Crafts/gifts/stationery | P | A | A | P | S |
| | Electronics | P | S | A | P | S |
| | Firearm sales and repair, including the sales of related equipment | P | S | S | S | P |
| | Home furnishings | P | A | A | P | S |
| | Jewelry | P | A | A | P | S |
| | Office supplies | P | A | A | P | S |
| | Pharmacies/ dispensaries | P | A | A | P | S |
| | Photography | P | A | A | P | S |
| | Printing (quick- photocopy centers) | P | A | A | P | S |
| | Used merchandise | P | A | A | P | P |
| | Retail sales not listed | S | S | S | S | S |
| Restaurants/bar: | | | | | | |
| | General sit down | P | A | A | P | S |
| | Fast-food | P | S | S | P | S |
| | Bakeries, coffee shops/houses, bagel shops, ice cream shop | P | A | A | P | S |
| | Specialty theme/ microbreweries | P | A | A | P | P |
| | Tavern/bar | P | A | A | P | P |
| Schools, public and private | | A | S | A | S | S |
| Services: | | | | | | |
| | Barber/beauty salons | P | A | A | P | S |
| | Dry cleaning | P | A | A | P | S |
| | Florist | P | A | A | P | S |
| | Laundry (drop-off) | P | A | A | P | S |
| | Tailor/shoe repair | P | A | A | P | S |
| Theaters/galleries: | | | | | | |

| Land Use | "SD-I" | "SD-OC" | "SD-RC" | "SD-LI" | "SD-T" |
|---|-----------------|--------------|--------------|-------------|-------------|
| Category | (Institutional) | (Office/Com) | (Retail/Com) | (Light Ind) | (Technical) |
| Performing arts | A | A | A | P | S |
| Movie | A | A | A | P | S |
| Art gallery | A | A | A | P | S |
| Utilities: | | | | | |
| Electric substations | S | S | S | S | S |
| Gas, cable television, water, sanitary sewer | S | S | S | S | S |
| Wireless support structures and wireless facilities | S | S | S | S | S |
| Veterinarian offices | P | A | A | P | S |
| Warehousing: | | | | | |
| Non-hazardous | P | P | P | A | S |
| Hazardous | P | P | P | S | S |

A — Allowed

U — Use Upon Review

S — Special Use

P — Prohibited

* Fronting on Mexico Road only

Section 405.265. St. Peters Lakeside 370 Special District. [R.O. 2007 § 405.265; Ord. No. 4406 § 1, 1-12-2006; Ord. No. 4463 § 1, 3-9-2006; Ord. No. 5132 § 10, 1-8-2009; Ord. No. 5756 § 14, 5-24-2012]

- A. Purpose Of The District. The purpose of this district is to ensure high quality and aesthetically pleasing development within the Lakeside 370 area of the City. The regulations for this District will allow for appropriate controls over the development thereof which will create and enhance land values and act as an incentive to obtaining the highest quality development.

The boundaries of the district shall be delineated on the Official Zoning District Map of the City as provided for in Article II of this Chapter. Said Zoning District Map as defined and provided for therein is hereby made a part of this Chapter.

- B. Authorized Uses.

1. Use of land shall generally be as follows; specific uses of the land shall be governed by Subsection (L) Table 1 herein.
 - a. Industrial uses: **[Ord. No. 6516 § 1, 4-28-2016]**

- (1) Distribution facilities.
 - (2) Office/warehouse facilities.
 - (3) Manufacturing facilities.
 - (4) Offices, including back offices and professional offices.
 - (5) Medical and agricultural products, processing and research.
- b. Commercial uses:
 - (1) Hotels/conference centers.
 - (2) Retail uses.
 - (3) Dining/entertainment uses.
- c. Public uses:
 - (1) Cultural uses.
 - (2) Recreational uses.
- 2. Uses Permitted By Special Use Permit. The uses conditionally permitted are listed in Subsection (L) Table 1 and require a special use permit.
- 3. General. Uses which are not specifically listed in Subsection (L) Table 1 as permitted or conditionally permitted are prohibited, provided that activities or uses which are determined by the Administrative Officer to be necessary to, supportive of and compatible with a primary authorized use shall be permitted.
- C. Lot Area, Setbacks And Bulk Regulations. The following dimensional restrictions shall apply as indicated below:

| | |
|--------------------------------------|----------|
| Minimum planned development area | 10 acres |
| Minimum lot area | 1 acre |
| Minimum lot width | 100 feet |
| Maximum lot coverage (building area) | 75% |
| Maximum heights* | 75 feet |

 - * The Planning and Zoning Commission may upon review approve such additional heights as may be deemed appropriate while considering the relationship of building height to bulk and density of adjacent properties and providing for the safety of the structure and its intended users.
- D. Minimum Building Setbacks. **[Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 5, 8-14-2014]**

| | |
|-------------------|----|
| Front yard (feet) | |
| Arterial | 30 |

| | |
|-----------------------------|---|
| Collector | 30 |
| Local | 30 |
| Side yard (feet) | 15 |
| Rear yard (feet) | 30 |
| Wireless support structures | 100% of the wireless support structure's height |

- E. Minimum Parking Setbacks. No parking space, loading space or internal drive, except point of ingress or egress, shall be located in the following setbacks:

| | |
|------------|----|
| Front yard | 15 |
| Side yard | 15 |
| Rear yard | 10 |

- F. Ingress And Egress.

- Entrances shall conform to the standards contained in the City of St. Peters Design Criteria and Standard Specifications for Street Construction.
- Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center unless otherwise approved by the City Engineer.

Along shared entrance drives, parking spaces shall be permitted within the required parking setback area.

- G. Off-Street Parking And Loading.

- Off-street parking may be located in required front, side or rear yards, and all parking or loading spaces in a front yard shall be screened and/or bermed if deemed necessary and approved on the site development plan.
- Off-street loading spaces shall be located as approved on the site development plan. **[Ord. No. 6516 § 1, 4-28-2016]**
- The number, type and dimensions of parking spaces required shall be in accordance with the provisions of Article VII, Sections 405.540 et seq. of this Chapter.
- All parking lots, driveways, and private streets shall comply with Article VII, Section 405.550 of this Chapter although the City Administrator, upon recommendation by the City Engineer, may waive the requirement for parking lot and driveway curbs where water quality and drainage issues warrant the omission of curbing.
- Vehicles used in conjunction with operation of a business shall be parked behind or next to the building housing the business when feasible. When a rear or side parking space is not feasible, the vehicle shall be parked so as to not obstruct visibility of the development entrances. Parking of commercial vehicles unrelated to the businesses on the lot shall not be permitted unless otherwise authorized.

H. Site Design Requirements.

1. Landscaping And Open Space. Prior to the approval of a final site plan, the developer shall submit a landscaping plan which shall conform to the following:
 - a. All yards and open spaces along exterior or interior streets shall be landscaped with trees and shrubs.
 - b. Any part of a lot not used for buildings or other structures or for parking, loading areas or approved storage areas shall be landscaped with grass, ground cover, trees, shrubs and pedestrian walks.
 - c. All developments within this district shall comply with the Tree and Landscape Article. See Chapter 535.
 - d. All fences, except those associated with industrial and recreational uses, shall be solid wood, masonry or vinyl material limited to a maximum height of six (6) feet and shall not extend beyond the front building line of the subject property. Fences for industrial and recreational uses shall conform to fence regulations for commercial and industrial districts as stipulated in Section 405.360(E). Any chain link fences shall be vinyl coated. **[Ord. No. 6516 § 1, 4-28-2016]**
 - e. Each site, upon development, shall have installed an automatic, permanent irrigation system designed to cover all primary entranceway landscape areas that front public rights-of-way.
2. Screening And Berming.
 - a. All ground level HVAC units, electric, telephone and gas meters, satellite dishes and other mechanical apparatus shall be screened with appropriate materials or landscaping to conceal the visibility of the object. All rooftop HVAC units, electric, telephone and gas meters, satellite dishes and other mechanical apparatus shall be screened from public view unless set back a minimum of forty (40) feet from the edge of building.
 - b. Outside trash enclosures within commercial office and retail areas shall be screened with a masonry material to match or complement the primary building. The masonry screening shall be a maximum of six (6) feet in height unless otherwise approved by the Planning Commission.
 - c. All outside storage of materials, equipment or stock, including items for sale or items used in the operation of the business, shall be screened from public view unless waived by the Administrative Officer. Outside display of items for sale and outside storage of materials, equipment or stock shall be located as approved by the Planning Department.
3. Sidewalks And Bikeways. Sidewalks and bikeways shall be provided as approved on the site plans for collector and arterial street frontages in conformance with the requirements set forth in this Chapter unless otherwise approved by the City Engineer.

4. Underground Utility Systems. All utility lines, including power and telephone lines, shall be located underground except designated overhead utility corridors as approved by the City Engineer.
5. Lighting.
 - a. All exterior lighting, building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties so that no light is cast on adjoining properties or public roadways.
 - b. No light standard utilized for the illumination of off-street parking areas shall exceed forty (40) feet in height unless otherwise approved by the Planning and Zoning Commission on the site development plan. No other light standard shall exceed eighteen (18) feet in height unless otherwise approved by the Planning and Zoning Commission on the site development plan. **[Ord. No. 6516 § 1, 4-28-2016]**
 - c. All lighting shall be served with underground cable and shall be metal halide type lighting.
 - d. All parking areas and walkways within commercial office and retail areas shall be illuminated so as to produce a uniform illumination of two (2) foot-candles within said areas. All parking and loading areas within industrial development areas shall be illuminated so as to produce a uniform illumination of one-half (1/2) foot-candles within said areas.
- I. Building Permits And Architectural Criteria. **[Ord. No. 6516 § 1, 4-28-2016]**
 1. Building elevations for each development shall be submitted to the Planning and Zoning Commission for review and approval. These elevations shall show the materials and the respective colors to be used. Elevation submittals shall comply with Section 405.460 of this Chapter. This development shall not be subject to more stringent requirements than standard design and building requirements of the City at the time of construction.
 2. Temporary structures, including membrane structures and greenhouses, may be approved on a site development plan in conjunction with an approved use/development.
- J. Sign Regulations.
 1. Developments with less than three hundred (300) feet of frontage on Route 370 shall be permitted one (1) freestanding business sign. Developments with frontage of three hundred (300) feet or more on Route 370 shall be permitted two (2) freestanding business signs, provided that there is a minimum distance of two hundred (200) feet between the two (2) signs.
 - a. The maximum height of said sign shall be thirty-five (35) feet from adjacent ground elevation or the average elevation of Route 370 fronting on the site, whichever is greater.
 - b. The maximum size of said signs shall be limited to one hundred (100)

square feet per facing and a total aggregate area of two hundred (200) square feet.

2. All other developments shall be limited to one (1) freestanding, monument-type business sign per street frontage that shall be limited to a maximum height of twelve (12) feet and a maximum size of fifty (50) square feet per face. A changeable copy sign of a maximum of twenty-four (24) square feet shall be permitted in conjunction with each business sign. The changeable copy sign shall comply with the general regulations of Section 405.745(D)(5) of this Chapter.
3. No off-premise (billboard-type) advertising signs shall be permitted within the district, including those properties fronting on Route 370.
4. Attached wall signs shall be permitted in accordance with the sign provisions of Article IX of this Chapter.
5. Temporary signs shall be governed by Section 405.750 of this Chapter, as amended.

K. Planned Development Area.

1. The total development area within all planned developments within the special district shall comply with the minimum lot area as designated in Subsection (D).
2. All uses within each planned development shall be uses permitted in the lakeside district.
3. Each application for a planned development shall comply with the application requirements outlined in Section 405.775.
4. Each application for a planned development shall include a site plan that complies with the requirements outlined in Section 405.460.
5. All planned developments shall meet the minimum requirements of the lakeside district related to building architecture. Landscaping, signs, lighting and other site design features shall be as approved by the Board of Aldermen in the planned development area agreement.

L. Table 1 — Land Use Category. [Ord. No. 6184 § 2, 7-24-2014; Ord. No. 6195 § 6, 8-14-2014; Ord. No. 6516 § 1, 4-28-2016; Ord. No. 6865, 11-9-2017; Ord. No. 7115, 3-28-2019; Ord. No. 7192, 8-22-2019]

| Distribution Facilities | |
|--|---|
| Warehouse distribution facilities | A |
| Warehouse facilities with more than four (4) loading docks | A |
| Warehouse facilities with railway service connection | A |
| Trucking facilities | A |

| Office/Warehouse Facilities; Processing and Research | |
|---|---|
| Office/warehouse facilities | A |
| Warehousing, including mini-warehousing | A |
| Manufacturing facilities | |
| Laboratory (research) | A |
| Manufacturing (light) | A |
| Manufacturing (heavy) | S |
| Medical product and agricultural product processing/distribution facilities, including accessory sales facilities, and indoor cultivation. | A |
| Rooftop cultivation shall be as approved by the Planning and Zoning Commission on the architectural elevations. | |
| Offices, Including Back Offices and Professional Offices | |
| Medical offices | A |
| Medical out patient clinics and surgery centers | A |
| Offices: professional, corporate headquarters | A |
| Hotel/Conference Centers | |
| Convention/meeting facilities | A |
| Hotels and motels | A |
| Retail and Dining/Entertainment Facilities | |
| Banking facilities | A |
| Car and truck washes | S |
| Indoor entertainment facilities, including theatres, movie theatres, art galleries, indoor amusement parks and arcades and similar facilities | A |
| Outdoor entertainment facilities, including amusement parks, racetrack and accessory buildings, and similar facilities | S |
| Restaurants: sit down, microbreweries, sandwich shops, bagel, shops and ice cream shops | A |
| Restaurants: fast food, including those with drive-through facilities | A |
| Retail shopping centers | A |
| Retail uses not listed herein | S |
| Service uses, including, but not limited to, beauty and nail salons, dry cleaners, printing shops and mail centers | A |
| Service stations, including those with convenience stores | A |

| Retail and Dining/Entertainment Facilities | |
|--|---|
| Tavern/bar | A |
| Cultural Uses and Other Public Purposes | |
| Churches, synagogues, temples; religious facilities/retreat centers | A |
| Solar panel, primary | S |
| Wireless support structures and wireless facilities | S |
| Utility substations and facilities related to gas, cable television, water and sanitary sewer | S |
| Wind turbine, accessory | S |
| Wind turbine, primary | S |
| Recreation Purposes | |
| Parks, public and private; uses permitted include, but are not limited to, trails, beaches, picnic areas, shelters, bow hunting and similar uses | A |
| Sports facilities, indoor | A |
| Sports facilities, outdoor | S |
| Miscellaneous Purposes | |
| Temporary activities (subject to Planning Commission approval of location), including, but not limited to, entertainment events, concerts, carnivals, and sales activities | A |

A=Allowed

S=Special use

ARTICLE VI
Supplementary Regulations

Section 405.270. Accessory Buildings Or Structures, Alterations And Additions.¹⁷
[R.O. 2007 § 405.270; Ord. No. 1523 § 6.0100, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3781 § 1, 2-20-2003; Ord. No. 5132 § 11, 1-8-2009; Ord. No. 5339 § 12, 2-25-2010; Ord. No. 5742 § 12, 4-30-2012]

A. All accessory structures shall be permitted with the following provisions and requirements:

1. Any attached building or structure shall be considered as a part of the principal or main building and conform to all regulations applicable to said principal building.
2. In residential zoning districts, accessory buildings or structures shall include but not be limited to, the following: greenhouses, swimming pools, garages (attached-unattached) and similar uses.
3. The minimum distance of an accessory building or structure, including playground equipment, play courts/basketball courts, and batting cages, from any side or rear property line shall be six (6) feet. No accessory building or structure, including deer stands, portable restrooms and other temporary structures, are permitted within the front building setback area except on through lots where accessory structures shall be permitted to extend past the front building line that is parallel to the rear of the house. However, a minimum setback from the property line of six (6) feet shall be maintained. Portable restrooms may be approved by the Administrative Officer in the front yard during construction if no other location is practical. In non-residential zoning districts, accessory buildings and trash enclosures shall be located as approved on the site development plan. [Ord. No. 6722 § 3, 3-23-2017; Ord. No. 7458, 6-24-2021]
4. No principal building or structure or accessory building or structure shall be located within or partially within a designated utility easement.
5. An accessory building or structure in a residential district shall not exceed one-half (1/2) of the ground floor area of the principal building.
6. All accessory buildings shall be ancillary to the main building and use on the subject property; no accessory building may be used for a separate business or use.
7. Clothing drop boxes shall be permitted on properties used for institutional purposes including, but not limited to, churches, schools, day care centers, libraries, government buildings, and other public facilities. Clothing drop boxes shall also be permitted in the "I-1" and "I-2" Industrial Zoning Districts. The location of all clothing drop boxes shall be as approved by the Planning Department. All clothing drop boxes shall be located on a paved pad and shall

17. Cross Reference: See also each individual residential zoning district for additional specific regulations related to accessory structures, Ch. 405, Art. V §§ 405.130 — 405.170.

be accessed by a paved parking or driving area.

Section 405.280. Animals. [R.O. 2007 § 405.280; Ord. No. 1523 § 6.0200, 5-11-1989; Ord. No. 3143 § 1, 11-18-1999]

- A. In all residential zoning districts, domestic pets (cats, dogs) may be kept by the occupant of a dwelling unit. These animals may not be used or kept for commercial or resale purposes, or so as to cause a public nuisance (see Section 405.100 Definitions, "KENNEL").
- B. Animals (horses, chickens, cattle, ducks) may be kept in conjunction with a farming operation or riding stable. No stable or shed providing shelter for said animals shall be closer than fifty (50) feet to any property line. In no case shall a horse or pony be kept on a lot of less than three (3) acres.
- C. No person shall keep any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This shall not be construed to apply to zoological parks, performing exhibitions or circuses. No person shall keep or permit to be kept any wild animal as a pet (see Health Regulations set out in Chapter 230 for special requirements).
- D. Bees may be kept in a residentially zoned district under the following conditions:
 - 1. A minimum lot size of ten thousand (10,000) square feet. **[Ord. No. 6249 § 14, 10-23-2014]**
 - 2. The maximum number of colonies shall be limited to three (3) hives.
 - 3. The hive(s) location shall not be visible where possible, and behind a sight-proof fence which is six (6) feet in height; a fresh water supply shall be located within five (5) feet of the hive.
 - 4. An apiary of one (1) or more hives shall be located at least twenty (20) feet from the property line or public right-of-way, with the hive opening directed towards the most distant property line.
- E. Other domestic animals, as defined by the City Code and including, but not limited to, potbellied pigs, ferrets, hedgehogs, and rodents, shall be permitted as pets in residential districts in accordance with the City Code, Section 205.070.

Section 405.290. Annexation Of New Territories. [R.O. 2007 § 405.290; Ord. No. 1523 §§ 6.0300 — 6.0302, 5-11-1989; Ord. No. 4398 § 1, 12-15-2005]

- A. All new territories which may hereafter be annexed to the City shall be reclassified to a zoning classification according to the following procedure(s).
- B. Administration. Within ninety (90) days following the date of annexation, the Planning and Zoning Commission shall recommend a zoning classification for all new territories to the Board of Aldermen. The Board, within one hundred twenty (120) days following the date of annexation shall establish zoning for all newly annexed territories. All property owners within the territories in question will be contacted by the City and be given a reasonable opportunity to request a specific zoning classification. In any case, the Board of Aldermen shall be the final authority

regarding the determination of all zoning classifications and may consider, but not be limited to the following criteria:

1. City's Comprehensive Plan (the Future Land Use Map).
 2. Property owner's zoning request and/or plans for use of the property in question.
 3. The existing land use of adjacent territories and their respective zoning classifications.
- C. Public Hearing. In order to give the general public reasonable voice in the reclassification procedure, the City must hold a public hearing on each territory in question. At least seven (7) days' notice of the time and place of such hearing shall be published in an official newspaper or a paper of general circulation.

Section 405.300. Building Structures For Temporary Or Emergency Use. [R.O. 2007 § 405.300; Ord. No. 1523 § 6.0400, 5-11-1989; Ord. No. 7192, 8-22-2019]

- A. No temporary structure (including trailers, mobile or modular homes) shall be occupied for any residential, commercial or industrial use except as specifically permitted or required by this Chapter. However, the City Building Commissioner may allow a temporary office or shelter incidental to new development. Occupancy of structures for emergency conditions such as fire, explosion or disaster shall be allowed until conditions are abated.
- B. "Temporary" for the purpose of this Section shall refer to a period not to exceed one (1) year. The Building Commissioner may extend the period where a need can be demonstrated.
- C. Seasonal buildings, activities or developments shall include buildings, enclosures or other structures to be installed for more than eighteen (18) months. Seasonal buildings shall be shown on a Site Development Plan and Building Elevations as approved by the Planning and Zoning Commission.
1. The Planning and Zoning Commission may approve or deny the proposed seasonal building, activity or development with or without contingencies. Contingencies may, include, but not be limited to, length of time, hours of operation, design, and building materials.

Section 405.310. Building, Maximum Height And Exceptions. [R.O. 2007 § 405.310; Ord. No. 1523 § 6.0500, 5-11-1989]

The height limitations of this Chapter shall not apply to church spires, domes or skylights, ventilators, water tanks, parapet walls, or necessary mechanical appurtenances usually carried above the roof level.

Section 405.320. Building, One Principal Or Main Building Per Lot. [R.O. 2007 § 405.320; Ord. No. 1523 § 6.0600, 5-11-1989]

Except as otherwise specifically provided for in this Chapter only one (1) principal or main building shall be permitted on a lot. No portion of an area, frontage, or yard

required for any lot, building, or use for the purpose of complying with provisions of this Chapter shall be included as an area, frontage or yard for another lot, building or use.

Section 405.330. Building Grades. [R.O. 2007 § 405.330; Ord. No. 1523 § 6.0700, 5-11-1989]

- A. Any building site shall have a sloping grade and shall be maintained to cause the flow of surface water to flow away from the walls of the building. The rear and side yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the new building and the yard around the new building shall be graded in such a manner as not to alter the natural flow of water across adjacent properties.

Section 405.340. Corner Visibility. [R.O. 2007 § 405.340; Ord. No. 1523 § 6.0800, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 3216 § 1, 3-23-2000; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3961 § 1, 1-20-2004; Ord. No. 7192, 8-22-2019]

Within the sight distance area of a corner lot, no sign, telephone booth, planting, or other obstruction to vision shall be erected, planted or maintained so as to substantially obstruct the view of traffic at an intersection. The sight distance area shall be determined per the standards established in the St. Louis County Department of Highways and Traffic Design Criteria, Section 40.25, except corner lots along residential streets and minor collector streets which shall have a sight distance area that extends thirty (30) feet from the point of intersection of the two (2) property lines adjacent to the corner lot.

Section 405.350. Child Care Facilities — Licensing Process. [R.O. 2007 § 405.350; Ord. No. 1523 § 6.0900, 5-11-1989]

Any organization or person planning to offer day care for five (5) or more children, except those coming under the exception of the law, shall apply for a license and meet the licensing rules before accepting more than four (4) unrelated children for care.

Section 405.355. Regulations For Group Home Providers. [Ord. No. 5956 § 7, 7-25-2013]

- A. Purpose. It is necessary and desirable to provide suitable sites for group homes in residential areas provided that, in furtherance of the goals of de-institutionalization and dispersal, group homes are not unduly concentrated in neighborhoods so as to ensure that mentally or physically disabled persons are afforded the opportunity to be integrated in the community.
 - 1. In order to promote deinstitutionalization and dispersal of group homes, no group home may be located within five hundred (500) feet of another group home, measured by the straight line distance between the nearest points of the exterior walls (exclusive of overhangs) of the buildings within which the relevant facilities or uses are located; or
 - a. Adjoin any lot upon which another group home already exists, or

- b. Be separated from any lot upon which an existing group home already exists only by a street or roadway.
2. The exterior appearance of the home and property, occupancy limitation, signage and other standards applicable to single-family residences shall apply equally to group homes.
3. In order to achieve the deinstitutionalization and dispersal goals referenced herein, owners and operators of group homes must register the facility with the Planning Department on forms provided for that purpose and certify compliance with all applicable ordinances of the City. Owners and operators of group homes must also notify the department of any change of use, transfer or termination of a group home use and revise the facility registration as appropriate.
4. Notwithstanding any other provision of this Section to the contrary, any individual, group or entity may make a request for reasonable accommodation from the provisions of this Section pursuant to the procedures set forth in Section 225.100 of this Code.

Section 405.360. Fence Requirements. [R.O. 2007 § 405.360; Ord. No. 1523 §§ 6.1000 — 6.1004, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3781 § 1, 2-20-2003; Ord. No. 3961 § 1, 1-20-2004; Ord. No. 3962 § 1, 1-20-2004; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 5132 § 12, 1-8-2009; Ord. No. 5742 § 13, 4-30-2012]

- A. Definitions. For the purposes of this Section the following terms shall be deemed to have the meaning indicated below:

FENCE — A structure and/or materials consisting of wood (rails or stakes), wire, masonry, vegetation (hedge) or other similar materials erected so as to provide a barrier or enclosure along the boundaries of a yard or lot or within a yard or lot. Such fence may or may not have openings for sidewalks and driveways within its vertical surface depending on its construction and use. **[Ord. No. 7458, 6-24-2021]**

SIGHT-PROOF FENCE — Any fence which substantially reduces the sight-distance for adjacent properties or the traveling public. These fence types include, but are not limited to, wood stockade fence, masonry fence, shadow-box fence or thick vegetation (hedges).

- B. The following general fence provisions shall apply to all zoning districts:

1. No permit shall be required for the erection, installation or alteration of any fence within the City of St. Peters except as otherwise required in this Section. **[Ord. No. 6722 § 4, 3-23-2017]**
2. No fence, wall, shrub, or hedge shall be constructed or altered to exceed six (6) feet in height except as indicated in the specific district regulations as follows.
3. It shall be unlawful for any person to paste, stick or put upon any fence or wall within the City any indecent, obscene, immoral or grossly written words or

painted advertisement, poster or circular.

4. No person shall erect, or cause to be erected, maintain, or cause to be maintained, any fence or enclosure of which any part is charged with or designed to be charged with the electrical current except as specified in the "A-1" Agricultural District.
 5. In the case of fences constructed over dedicated utility easements, the City shall not be responsible for the replacement of said fence due to its removal. It is required that the property owner contact the City Engineer or developer for location of above-mentioned easements.
 6. In no case shall a fence be erected so as to enclose or block a stormwater catch basin, culvert, or other stormwater structure in any development. It shall be the responsibility of the City Engineer to inspect such violations and make a written report to the Administrative Officer.
 7. (Reserved)¹⁸
 8. All fencing must be maintained in good condition at all times. "Good condition" is hereby defined to include, but shall not be limited to, replacement of damaged boards, staining or painting of surfaces and removal of rust.
 9. Fence completion shall occur within six (6) months from the start of construction.
 10. When a fence is adjacent a public street, the improved side of the fence shall be oriented to the outside.
- C. Fence Regulations For "A-1" Agricultural District. Electrified and barbed wire fences shall be permitted in the "A-1" Agricultural District when used in connection with an approved farming operation (see Section 405.100, Definitions, "AGRICULTURAL USE").
- D. Fence Regulations For "R" (Residential) Districts.
1. The use of barbed wire, hardware cloth, or any other similar material shall not be permitted as fencing in residential districts.
 2. Residential fences shall not exceed six (6) feet in height.
 3. The owners of residential properties shall be responsible for maintaining said fences and to remove any fence if it becomes unsightly or a menace to public safety, health or welfare.
 4. On a comer lot, a fence shall not extend beyond the front building line, as platted, which is parallel to the front of the house. Along other front building lines as platted on a comer lot, the fence may extend ten (10) feet beyond the front building line as platted and shall not extend into the sight distance area as defined in Section 405.340 of this Chapter. If the rear property lines of comer lots abut each other, the front yard fence setback along the sides of the

18. Editor's Note: Former Subsection (B)(7) was repealed 6-24-2021 by Ord. No. 7458.

structures may be located along the property line. **[Ord. No. 6249 § 15, 10-23-2014; Ord. No. 7458, 6-24-2021]**

5. On a through-lot, a fence is permitted to extend to, and along, the property line opposite the front of the structure. No fence shall be permitted to extend beyond the building line at the front of the structure or any property line. **[Ord. No. 6249 § 15, 10-23-2014]**
6. On any interior lot other than a through-lot, a fence shall not extend beyond the front building line nor shall any fence extend beyond the side and rear property lines. **[Ord. No. 6249 § 15, 10-23-2014; Ord. No. 7458, 6-24-2021]**
7. In no case shall any front yard be enclosed by a fence other than provided for a through-lot. Decorative fence sections and trash enclosures shall not be considered a fence and may be placed in front yards. **[Ord. No. 7458, 6-24-2021]**
8. Temporary fences may be erected in conjunction with "display homes" in subdivisions so long as the fences are removed within thirty (30) days following the sale or transfer of ownership of the home.
9. Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks shall not be considered a fence.
10. Fences shall be erected around swimming pools according to the adopted Building Codes of the City of St. Peters.
11. There shall be no fences consisting of one (1) or more strand wires constructed in residential districts.
12. Fence Materials. **[Ord. No. 7192, 8-22-2019]**
 - a. Fences which are four (4) feet or less in height may be constructed of wood, masonry, vinyl materials, metal in the appearance of wrought iron, or chain link materials. Vinyl materials shall be considered slats or planks; vinyl coated chain link fencing or metal shall not be considered vinyl fencing.
 - b. Fences which are greater than four (4) feet in height shall be constructed of wood, metal in the appearance of wrought iron, or vinyl materials. Vinyl materials shall be considered slats or planks; vinyl coated chain link fencing or other vinyl coated metal fencing shall not be considered vinyl fencing.
 - (1) Chain link and masonry may be used if approved by the Administrative Officer after substantial evidence has been provided indicating that other materials are not practical and that such fencing will not create an aesthetic problem.

E. Fence Regulations For All "C" (Commercial) And "I" (Industrial) Districts.

1. The following may be approved by the Administrative Officer:
 - a. Requests stating the reason must be made in writing to and approved by

the Administrative Officer prior to construction or erection.

- b. Fences higher than six (6) feet may be permitted for security and/or screening purposes. Also, barbed wire or razor wire shall be permitted only if the lowest strand is at least seven (7) feet above grade, and when used for security purposes in addition to a regular fence.
2. Fences are permitted on any lot or paved area so long as they do not extend beyond the front building line unless otherwise approved by the Planning and Zoning Commission.
3. Where a fence is constructed to comply with a screening requirement, all fencing regulations regarding maintenance, materials and height shall apply.
4. Fences erected to screen waste receptacles shall be the regulations of the applicable zoning district and Section 405.395.
5. All fences installed in commercial zoning districts and industrial zoning districts that abut residential properties that are used for the purpose of screening between districts shall be masonry, wood composite, or vinyl.
6. Fences constructed of chain link that are located within commercial and industrial zoning districts shall be coated with vinyl. **[Ord. No. 6249 § 15, 10-23-2014]**
7. All other general provisions previously stated shall apply.
8. All areas approved for outside seating at restaurants and taverns shall be enclosed with a fence a minimum of thirty-six (36) inches in height. The fence materials shall be as approved by the Planning Department.
9. A fence or rail shall be installed on all retaining walls that exceed four (4) feet in height that are located in commercial zoning districts or within a commercial development in an industrial zoning district. The fence or rail shall be a minimum of thirty-six (36) inches in height. **[Ord. No. 6249 § 15, 10-23-2014]**

F. Fence Permit In All "R-3", "C" (Commercial) And "I" (Industrial) Districts.

1. For all fences installed within a "R-3(A)", "R-3(8)", a multiple-family development within a Planned Urban District (PUD), "C", or "I" District, a miscellaneous permit, not to exceed fifty dollars (\$50.00), shall be obtained prior to installation of the fence. **[Ord No. 6722 § 4, 3-23-2017]**

Section 405.370. Floodplain Areas. [R.O. 2007 § 405.370; Ord. No. 1523 § 6.1100, 5-11-1989; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2770 § 1, 11-13-1997]

- A. Notwithstanding the regulations contained in any part of this Chapter, no use other than an agricultural use, public park or parkway and public street or highway will be permitted in any zoning district on the Zoning District Map which is subject to flood hazard unless adequate flood protection measures are taken as specified in Chapter 410. This Chapter shall apply to all areas of special flood hazards as identified by the Federal Insurance Administration through the report entitled, "The

Flood Insurance Study for the City of St. Peters, with accompanying "Flood Insurance Rate Maps (FIRM)" and "Flood Hazard Boundary Maps (FHBM)". If property is elevated above the base flood elevation, the developer shall obtain a letter of map revision or amendment as appropriate as follows:

1. Prior to final occupancy being issued for the building, or
2. Within one hundred twenty (120) days of completion of grading if no building is to be immediately constructed. A ninety (90) day extension may be granted by the Building Code Official.

Section 405.380. Home Occupations. [R.O. 2007 § 405.380; Ord. No. 1523 §§ 6.1200 — 6.1205, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3701 § 1, 9-12-2002; Ord. No. 5742 § 14, 4-30-2012]

A. In order for a person to obtain a home occupation permit, said person must meet the following criteria:

1. Said occupation must occur in the home of the applicant (accounting, preparation of mailings, receipt of business mail, telephone answering service or taking of orders for goods/services).
2. The applicant must be a resident of the City at the time of requesting said home occupation. If the applicant is not the owner of the home where the home occupation will occur, the owner of the property or property manager, if applicable, shall sign the application or provide written authorization for the applicant to pursue the home occupation. **[Ord. No. 6249 § 16, 10-23-2014]**
3. The applicant must fill out an application for the home occupation and submit to the Planning Department. Upon receipt of the application, the Planning Department will place the home occupation request on the next regularly scheduled Planning and Zoning Commission meeting agenda. If the occupation is favorably approved or approved with contingencies by the Commission, the appropriate business license shall be issued by the City.
4. The applicant is required to send a certified letter to all adjoining property owners for the purpose of informing them of their intent to conduct a home occupation. Adjoining properties shall include all properties abutting the subject property on the side and rear and properties across any roadways abutting the subject property. A certified letter shall also be sent to any applicable homeowner's association. A copy of the letter to be sent to the adjoining neighbors shall be included in the application packet.

B. Home Occupations (Residential Districts). Residential home occupations shall be reviewed and approved by the Commission. Said occupations shall meet all contingencies set by the Commission and conform to the following criteria:

1. Only one (1) home occupation shall be permitted per residence unless otherwise approved by the Planning and Zoning Commission. **[Ord. No. 7192, 8-22-2019]**

2. In no way shall the appearance of the structure be altered or the occupation within the residence be constructed in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
 3. Such occupation shall be conducted entirely within the residence and carried on by not more than two (2) individuals (not necessarily related) one of whom is the principal occupant.
 4. The home occupation is clearly incidental and secondary to the principal use of the residence.
 5. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which is it located.
 6. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.
 7. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking.
 8. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or cause fluctuations in the line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
 9. A minimum of two (2) off-street parking spaces shall be provided on the premises for said occupation.
 10. No commercial vehicle as defined (see Section 405.100, Definition, "Commercial Vehicles") by this Chapter shall be used in connection with a home occupation, or parked on the property.
 11. No home occupation shall cause an increase in the use of any one (1) or more utilities (water, sewer, electricity) so that the combined use for the residence and the occupation exceeds the average for residences in the neighborhood.
 12. No home occupation shall be conducted in any accessory building (garage or shed) except as approved by the Planning and Zoning Commission.
 13. The Planning and Zoning Commission may require fencing around the yard if a home approved for a day care home is deemed appropriate at the time of initial review of the home occupation or at any time the home occupation is reviewed.
 14. Garage sales shall be considered a home occupation when more than one (1) sale is held during a month at a given residence.
- C. Examples Of Uses That Frequently Qualify As Home Occupations. The following are typical examples of uses which often can be conducted within the limits of the

criteria established herein and thereby qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this paragraph nor does this listing of a use in this paragraph automatically qualify it as a home occupation: accountant, architect, artist, attorney, individual tutoring, insurance, one-chair barber shops, two-chair beauty shops.

- D. **Uses That Are Prohibited.** The following uses by their nature have a tendency, once started, to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area. Therefore, the uses specified below shall not be permitted as home occupations: auto repair (other than personal), carpentry work, painting of vehicles or large household appliances, furniture stripping and similar uses, private investigation, massage services/establishments, uses related to cigarette sales, alcohol sales, or other age restricted uses. Firearm and/or ammunition sales or services shall be prohibited as a home occupation except for businesses that have been approved as a special use. **[Ord. No. 6865, 11-9-2017]**
- E. **Non-Compliance Of Home Occupation Permit.** Any applicant not complying with the restrictions and criteria herein specified shall be subject to the penalties as provided for in this Chapter.
- F. **Reapproval Of And Annual Certification Of Home Occupations.** Home occupations shall be subject to review and reapproval by the Planning and Zoning Commission when deemed necessary by the Commission or Planning Department. Review of home occupations may be scheduled at the time of the original hearing or at a later date if needed. At the time of reconsideration, the home occupation may be rescinded or reapproved; if reapproved, additional contingencies may be added.

Section 405.385. Garage Sales. [Ord. No. 5132 § 13, 1-8-2009]

In all residential districts, a maximum of one (1) garage sale may be conducted at each residence during any month. A garage sale may include two (2) days of consecutive or non-consecutive sales within a seven (7) day period. A maximum of six (6) garage sales may be conducted at each residence during any calendar year.

Section 405.390. Landscaping And Screening. [R.O. 2007 § 405.390; Ord. No. 1523 §§ 6.1300 — 6.1303, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3216 § 1, 3-23-2000; Ord. No. 5096 § 1, 10-23-2008; Ord. No. 5132 § 14, 1-8-2009]

- A. **Residential Districts.** It shall be at the discretion of the individual property owners to landscape their lots; however, at any given time the following provisions shall apply:
 - 1. No tree or ground cover shall be planted of a type of species apt to destroy, impair, or otherwise interfere with any street improvements, sidewalks, curbs, gutters, sewer, or other public improvements. Grass clippings, leaves and other landscape waste shall not be discarded into the public right-of-way, including, but not limited to, sidewalks, curbs, streets, streams, creeks, drainage ways and storm sewers. The property owner shall contact the City prior to landscaping within any street right-of-way or utility easement. **[Ord. No. 6865, 11-9-2017;**

Ord. No. 7458, 6-24-2021]

2. Vines of climbing plants growing over street signs, fire hydrants, or other public property shall be removed by the property owner.
 3. On a corner lot, no planting or other obstruction to vision extending to a height in excess of twenty-four (24) inches above the established street grade shall be erected, planted or maintained within the sight distance as established per Section 405.340.
 4. All landscaping shall be properly maintained according to City ordinances presently in effect. A minimum of fifty percent (50%) of all yard areas shall be comprised of turf grass. Turf grass shall first cover the front yard area as part of the required percentage of yard coverage. Turf grass refers to all species of grass that are perennial and are typically used for lawns such as, but not limited to, Kentucky Bluegrass or perennial ryegrass. Trees shall not be planted within six (6) feet of a property line in the side and rear yard. The individual property owner shall be responsible for such maintenance. **[Ord. No. 6865, 11-9-2017; Ord. No. 7458, 6-24-2021]**
 5. For all multiple-family zoning districts, "R-3(A)" and "R-3(B)", a landscape plan shall accompany, or be a part of, each site plan, and no site plan shall be approved without the Planning and Zoning Commission's review and approval of said landscape plan. The landscape plan shall contain size, type and location of plantings. All "R-2" Two-Family Residential Zoning Districts shall be required to have a landscape plan which may be approved by the Planning and Development Department or forwarded to the Planning and Zoning Commission for its review and approval at the discretion of the Administrative Officer. Landscaping to be completed prior to the issuance of a final occupancy permit for the structure(s).
 6. In all residential zoning districts, above-ground fuel storage tanks shall be thoroughly (0 screened with appropriate materials or landscaping to conceal their visibility from the right-of-way and neighboring properties.
 7. All trees shall be planted so as to maintain a minimum fifteen (15) foot setback from all levees.
- B. Non-Residential Districts (Commercial/Industrial). In "C" (Commercial) and "I" Districts, the landscaping/screening requirements are as follows:
1. Screening Requirements.
 - a. All screening and buffering requirements previously set forth in the individual districts, special use permit, or Planned Urban Development (PUD) agreement shall be the responsibility of the lot owner or developer to install and maintain. **[Ord. No. 6865, 11-9-2017]**
 - b. When off-street parking areas for six (6) or more vehicles are located within or adjacent to a residential district, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous, visual screen with minimum height of six (6)

feet shall be provided between the parking area and the said lot or residential district. Such screen shall consist of a solid fence or masonry wall, a compact evergreen hedge or foliage screening may be approved as an alternative by the Administrative Officer.

- c. Protective Screening. When off-street loading areas are located within or adjacent to a residential district, and where such loading areas are not entirely screened visually by an intervening building or structure, a continuous visual screen with a minimum height of eight (8) feet shall be provided between the loading area and the said lot or residential district. Such screen shall consist of a solid fence or a masonry wall, a compact evergreen hedge or foliage screening may be approved as an alternative by the Administrative Officer.

2. Landscaping Requirements.

- a. A landscape plan shall accompany, or be a part of, each site plan, and no site plan shall be approved without the Planning and Zoning Commission's approval of said landscape plan. This landscape plan shall include size, type and location of plantings and shall include parking lot planting islands, perimeter plantings, and similar landscape features. The majority of white pines shall be a minimum of six (6) feet in height; the majority of spruce trees shall be four (4) feet in height.
- b. Where off-street parking spaces are provided, a minimum of ten (10) square feet of landscaping shall be provided for each space within the parking area or lot, or as approved by the Commission. While no specific tree species or plantings are given in this Chapter, the developer or owner shall be expected to provide sufficient landscaping details on the plans at the time of submittal. The use of earth berms or sculpting shall be encouraged provided these are designed in an area of enough size so as to cause no erosion, drainage or maintenance problems.

3. All trees shall be planted so as to maintain a minimum fifteen (15) foot setback from all levees.

- C. Screening And Landscaping. All off-street parking facilities, with the exception of a single-family detached dwelling or a two-family dwelling, shall be screened and landscaped in accordance with the following design standards.

1. Planting Strip Along Property Lines.

- a. Along each property line of the zoning lot, a planting strip of four (4) feet minimum width shall be provided between said property line and the off-street parking facilities. Where parking facilities for non-residential uses abut a residential district, a sight-proof fence or hedge of not less than six (6) feet in height shall be provided along the perimeter of the off-street parking facility within the planting strip herein described.
- b. In the case of a common/shared driveway entrance/exit the requirement for a four (4) feet minimum width planting strip will be waived. However, the remainder of the site shall contain sufficient additional landscaped

areas to compensate for the loss of the planting strip or a portion thereof.

2. All off-street parking facilities shall be appropriately broken by linear planting strips or variable shaped islands in the interior of the facility. Such planting strips or islands shall be satisfactorily landscaped with trees or other suitable vegetation and shall constitute no less than five percent (5%) of the total area of the off-street parking facility excluding the four (4) foot planting strip previously mentioned.
 3. The selection of trees, hedges and other planting materials shall be approved by the Commission on recommendation by the Administrative Officer.
 4. All screening and landscaping shall be installed in conformance with the "Corner Visibility" restrictions of this Chapter, Section 405.340.
 5. The selection of trees, hedges, and other planting materials shall be as approved on the landscape plan. Minor modifications to the landscape plan may be approved by the Administrative Officer. Substantial modifications shall be reviewed and approved by the Planning Commission.
- D. Prior to issuance of a final occupancy permit, all landscaping indicated on the approved site development plan shall be installed. If installation of landscape materials cannot be accomplished due to weather conditions or other factors, an escrow shall be established to guarantee purchase and installation of all landscape materials. The escrow shall be submitted for approval by the Administrative Officer and shall otherwise be submitted in compliance with the process established in Section 405.585. Upon installation of the landscape materials, the escrow shall be released by the City.

Section 405.395. Exterior Waste Container Enclosure Requirements. [R.O. 2007 § 405.395; Ord. No. 3961 § 2, 1-20-2004; Ord. No. 4582 § 1, 7-27-2006; Ord. No. 5132 § 15, 1-8-2009]

- A. Trash containers shall be enclosed and screened per the requirements of each zoning district. Recycling containers are not required to be screened unless otherwise approved on the site development plan. A trash enclosure is required in all non-residential and multiple-family developments unless otherwise waived by the Planning Commission; where required, the following conditions shall be required: **[Ord. No. 7458, 6-24-2021]**
1. All exterior waste containers shall be located on a paved surface. If a floor drain is installed outside the waste container to serve the waste container, the pad shall not exceed three (3) feet on any side of the actual dumpster. The pad shall be sloped towards the floor drain which shall be directed to the sanitary sewer system through the grease interceptor structure. Drainage beyond the waste container area shall be directed towards the storm sewer system.
 2. Reinforced concrete approaches shall be provided in front of the access doors to the screened area; the approaches shall be a minimum of twenty (20) feet in length and at least as wide as the screened area.
 3. Unless otherwise specified in the specific zoning district requirements, all

screening of waste containers shall be masonry or vinyl fence material. All doors on waste container enclosure areas shall be vinyl.

4. All trash enclosures shall be designed and constructed to City specifications as directed by the Department of Health and Environmental Services.

Section 405.400. Lot, Corner And Through. [R.O. 2007 § 405.400; Ord. No. 1523 § 6.1400, 5-11-1989; Ord. No. 3318 § 1, 10-12-2000]

For any through lot, both frontages shall comply with the front yard requirement of the district in which it is located. Swimming pools, decks, and open-air porches shall comply with the setback requirements of the underlying zoning district. In addition, fences shall comply with Section 405.360, Fence Requirements.

Section 405.405. Compliance With Chapter 535, Tree And Landscape Chapter. [R.O. 2007 § 405.405; Ord. No. 2920 § 1, 9-10-1998]

All site plans and preliminary plat shall be subject to and reviewed for compliance with Chapter 535, Tree and Landscape Chapter. Compliance with Chapter 535 shall be verified by the City prior to issuance of a building permit.

Section 405.410. Lot Consolidation. [R.O. 2007 § 405.410; Ord. No. 1523 § 6.1500, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 2770 § 1, 11-13-1997]

- A. When the recorded owner of two (2) or more contiguous lots desires to consolidate lots, the owner shall indicate the proposed consolidation in writing to the Administrative Officer. No amended record plats are needed as long as the external boundary in question shall be used as one (1) lot. However, an exhibit including the following information shall be provided:
 1. Outboundary of the affected lots.
 2. The recorded name of the subdivision and book and page of the original record plat.
 3. Lot numbers for each lot as established on the record plat.
 4. The street(s) abutting the affected lots.
 5. Other items as deemed necessary by the Administrative Officer.
- B. The letter requesting consolidation and the exhibit shall be approved by the Planning Department and recorded with the St. Charles County Recorder of Deeds. A recorded copy of the letter and exhibit shall be returned to the Planning Department.

Section 405.420. Non-Conforming Use. [R.O. 2007 § 405.420; Ord. No. 1523 §§ 6.1600 — 6.1603, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996]

- A. A non-conforming use is a land or buildings within the City of St. Peters that does not conform to this Chapter. A non-conforming use may often have a detrimental effect on the land use around it, such as increased traffic on residential streets, not enough parking spaces, the emission of noxious fumes, the creation of loud noises

or a depressing effect on property values. These regulations are intended to minimize the existing and/or potential problems created by non-conforming uses.

B. Continuance Of A Non-Conforming Use.

1. Any lawful building, structure, or use existing at the time of the enactment of this Chapter may be continued even though such building, structure, or use does not conform to the provisions of this Chapter for the district in which it is located and whenever a district shall be changed hereafter then the existing lawful use may be continued, subject to the provisions of this Chapter.
2. Any legal non-conforming building or structure may be continued in use provided there is no structural change other than normal maintenance and repairs.
3. Any building for which a permit has been lawfully granted prior to the effective date of this Chapter or of amendments hereto, may be completed in accordance with the approved plans, provided construction is started within one (1) year.
4. A building or lot containing a non-conforming use may not be enlarged, extended, reconstructed, or altered unless such use is made to conform to the regulations of the District in which it is located. However, in the case of evident hardship, a building containing a non-conforming use may be enlarged an amount not greater than twenty-five percent (25%) of its present ground floor by approval of the Administrative Officer.

C. Repairs, Maintenance And Alteration Of Non-Conforming Use/Building.

1. Ordinary repairs and maintenance of a non-conforming building shall not be deemed an extension of such non-conforming building and shall be permitted.
2. No structural alteration shall be made in a building or other structure containing a non-conforming use except in the following situations:
 - a. When the alteration is required by law.
 - b. When the alteration will actually result in elimination of the non-conforming use.
 - c. A building containing a non-conforming use may be altered in a way to improve livability and/or appearance provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

D. Abandonment Or Discontinuance.

1. When any non-conforming use has discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be resumed and any future use of the premises shall be in conformity with the provisions of this Chapter, provided that, such non-conforming use may be resumed when the owner during the period of discontinuance, has been actively attempting to continue such non-conforming use.

2. Proof of fact in writing must be furnished to the Administrative Officer by the applicant to establish intent not to abandon.

Section 405.430. Park And Open Space Requirements For All Zoning Districts.

[R.O. 2007 § 405.430; Ord. No. 1523 §§ 6.1700 — 6.1702, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997]

- A. Amount Of Land/Recreational Facilities To Be Provided. Prior to the issuance of any building permits, the developer of any residential, commercial, or industrial areas shall comply with the City's current Comprehensive Plan and Future Land Use Map in providing jogging/bicycle trails, or other park land pursuant to the Comprehensive Plan. During the site plan review process the developer will provide reasonable measures to retain existing trees and vegetation and is encouraged to participate in the City's park development program.
- B. Application. The provisions of this Chapter shall apply to all residential, commercial, or industrial developments within the corporate limits of St. Peters, Missouri. In submitting a preliminary plat or site plan, the developer shall ensure that said plat or plan contains sufficient detail so as to distinguish open space, playground, bike trails or recreational related facilities. The developer shall also indicate on said preliminary plat or site plan the land and/or facilities which are to be dedicated as park, bike trail or open space to the City or dedicated to private or common ownership for park purposes. All plats and plans shall be reviewed by the City for conformity with the City's then current Comprehensive Plan and Future Land Use Map.
- C. Any development which generates hazardous waste or hazardous materials as defined by the Missouri Department of Natural Resources shall be prohibited within (2,500) feet of a City well. **[Ord. No. 6249 § 17, 10-23-2014]**

Section 405.440. Right-Of-Way — Street Or Highway, Structures Prohibited.

[R.O. 2007 § 405.450; Ord. No. 1523 § 6.1900, 5-11-1989]

(See Article VIII, "Subdivision Regulations, Sections 405.665 — 405.705".)

Section 405.450. Sidewalks And Bicycle Paths. [R.O. 2007 § 405.460; Ord. No. 1523 §§ 6.2000 — 6.2004, 5-11-1989; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3318 § 1, 10-12-2000]

- A. The intent of this provision is to provide pedestrians with safe and convenient access to schools, recreational, and retail areas, and places of employment. In general, sidewalks should be located in the public right-of-way parallel to the street pavement. However, when a sidewalk can be integrated into a linear park system, consideration should be given to combination pedestrian/bicycle paths. In any event, the purpose of sidewalks shall be to connect people with specific destinations within the City. The following specifications shall apply:
 1. Arterial Streets (right-Of-Way — Eighty (80) Feet Or Ninety (90) Feet).
 - a. Sidewalks required on both sides of street.
 - b. Minimum width of sidewalk shall be five (5) feet in residential and

commercial districts unless otherwise specified by the Planning and Zoning Commission.

2. Collector Streets (right-Of-Way — Sixty (60) Feet).
 - a. Sidewalks shall be required on both sides of all collector streets.
 - b. Minimum width of sidewalks shall be four (4) feet in residential and commercially zoned areas unless otherwise specified by the Planning and Zoning Commission.
3. Minor (local), Dead-End, And Cul-De-Sac Streets (right-Of-Way — Fifty (50) Feet).
 - a. A sidewalk shall be required on one (1) side of all primary subdivision roadways. A primary subdivision roadway shall be defined as any entrance/exit roadway or connection thereto to its termination or connection with any secondary entrance/exit of the subdivision.
 - b. A minimum of a four (4) foot wide sidewalk with appropriate easement shall be provided to facilitate access and connection to community facilities and adjacent subdivisions.
4. Sidewalks for pedestrian/bikeway movement shall be a minimum of six (6) feet in width. Property easements for such purpose shall be a minimum of ten (10) feet. The Planning and Zoning Commission shall require additional easement where necessary.

Section 405.460. Site Plan Review. [R.O. 2007 § 405.470; Ord. No. 1523 §§ 6.2100 — 6.2105, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2868 § 1(6.2102, 6.2105), 7-9-1998; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3530 § 1, 9-27-2001; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3775 § 1, 1-27-2003; Ord. No. 3781 § 1, 2-20-2003; Ord. No. 3963 § 1, 1-20-2004; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4345 § 1, 9-22-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5466 § 9, 8-26-2010; Ord. No. 5629 § 1, 8-11-2011; Ord. No. 5742 § 15, 4-30-2012]

- A. In planning and developing a subdivision, lot or tract, the developer/subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivision concerning required improvements, and in every case shall pursue the following procedures.
- B. Pre-Application Proceedings. Not less than forty-five (45) days prior to the preparation of the preliminary plat and/or site plan, the developer/subdivider shall consult with the designated Administrative Officer in order to become familiar with the standards established in these regulations and the provisions of the Comprehensive Plan affecting the land proposed to be subdivided.
- C. Process Of Submission Of Preliminary Plat Or Site Plan.

1. The developer/subdivider, after the advisory meetings, may then initiate a request for formal review of the preliminary plat, site plan, or record plat. The developer/subdivider shall submit said plat or plan in accordance with the established scheduled meeting of the Planning and Zoning Commission at which action is desired. After review of plat or plan by City staff, and subsequent notification of deficiencies/problems, developer/owner shall resubmit corrected plat or plan not less than seven (7) working days prior to the Planning and Zoning Commission meeting. Resubmitted plats or plans containing more than six (6) deficiencies shall not be submitted to the Planning and Zoning Commission for review.
2. All preliminary plats or site plans shall be prepared and sealed by a qualified and registered professional engineer or surveyor. Licensed architects shall be permitted to seal site plans or amended site plans that do not include site grading or utility construction or modifications.
3. The applicant shall submit a sufficient number of prints as required by the Administrative Officer for all staff reviews and Planning and Zoning Commission reviews.
4. Preliminary plats or site plans submitted for the initial review without substantial information or submitted for the final formal review that omit more than six (6) items as required under Subsection (D) herein shall be required to resubmit the plan with the appropriate fee.
5. All preliminary plats and site plans shall be acted on by the Planning and Zoning Commission within one hundred twenty (120) days of plat/plan submittal to the City.
6. A traffic study may be required by the City Engineer if deemed necessary for the analysis of a development project by the Planning and Zoning Commission.

D. Information Required On A Preliminary Plat Or Site Plan.

1. The plat or site plan shall be drawn to scale of not greater than one hundred (100) feet to the inch and shall contain the following information:
 - a. Vicinity Map (not To Scale).
 - (1) Show nearby existing streets and highways.
 - (2) Identify by name abutting subdivisions or developments.
 - b. North arrow and scale and property address from the applicable fire protection district.
 - c. Title Block.
 - (1) The proposed name of the subdivision or development.
 - (2) Names and addresses of property owners including phone number.
 - (3) Names and addresses of architect, land planner, engineer, designer

or surveyor.

- (4) Date prepared.
 - (5) Tract designation or legal (metes and bounds) description.
 - (6) Address of site (if available).
- d. Boundary Line. Showing bearings and distances.
- e. Adjacent Properties Information — Existing And Proposed. Ownership and use of land, zoning classifications. (Ownership of lots in residential subdivision not required.)
- f. Utilities And Easements.
- (1) Indicate name and phone number of the company or jurisdiction providing the following services: water, sanitary sewer, electric, telephone, gas.
 - (2) Identify size and location of existing water lines, sewer lines, electric service and other existing utilities. Show the location of hydrants, water meters, manholes, inlets and other utility markers. Show the location of future water and sewer lines and electric service.
 - (3) Indicate existing easements on plat or plan including perimeter utility easement.
 - (4) Indicate the location of future mailboxes or mailbox groupings.
- g. Lot Dimensions.
- (1)
 - (a) On residential lots indicate approximate square footage of each lot. Provide notes reflecting minimum side, rear, and front dimensions exclusive of public right-of-way.
 - (b) Indicate minimum lot width at the building line on irregular shaped lots or lots having a measurement less than the required lot width at the building line.
 - (2) On non-residential lots, indicate gross acreage for each lot to be reviewed exclusive of public right-of-way.
 - (3) Indicate building dimensions and square footage of the same.
 - (4) Indicate building lines and indicate the dimension of the building to the property lines if the dimension is less than thirty (30) feet.
- h. Public And Private Streets And Curb Cuts.
- (1) Show all proposed streets and improvements to existing streets. Indicate whether public or private, width of pavement, width of right-of-way and name of streets. (A letter from the St. Charles County Planning Office indicating approval of street names must be supplied to the City.)

- (2) Dimension curb cuts on all non-residential development.
 - (3) Show adjacent or connecting streets and their names.
 - (4) Show all street lighting.
 - (5) Comply with segment of regulations which specifies information to be supplied at the time of filing of the preliminary plan or development plan as it relates to stormwater management planning. (Refer to Chapter 550, "Storm Sewer And Drainage Facility Guidelines".)
 - (6) Indicate basic soil erosion control plan to be utilized during site development.
 - (7) Other information as may be required by the Planning and Zoning Commission.
- i. Physical Characteristics And Stormwater Management.
 - (1) On-site plans provide existing contours at two (2) foot intervals and one (1) foot intervals for proposed. On preliminary plats, provide existing and proposed contours at intervals of five (5) feet or less.
 - (2) Indicate natural features to be left undisturbed including natural watercourses. The development shall leave as much of the natural topography and tree growth as reasonably possible to facilitate erosion control and aesthetic considerations.
 - j. Parks/open Space, Recreational Areas And Common Ground.
 - (1) Parks and open space land shall be shown on plan if required in City's Comprehensive Plan.
 - (2) Recreational area, if proposed, shall delineate type of facilities and who will be responsible for operation and maintenance of same.
 - (3) All common ground areas shall be shown with an appropriate note provided regarding administration of same.
 - k. Setback And Yards. Setback and appropriate yards shall be at least those specified for the applicable district.
 - l. Sidewalks — Where Required. Refer to sidewalk regulations, Article VI, Section 405.450 "Sidewalks and Bicycle Paths". Show side(s) of street(s) where sidewalk is to be located and length of same.
 - m. Additional Information Required For Non-Residential Site Plan Development. Refer to specific zoning district for details.
 - (1) Protective screening for properties abutting residential zoning districts.
 - (2) Trash Containers. Show location and indicate that screening shall be six (6) feet in height and compatible with the building style.

- (3) Street Lighting. Show location.
 - (4) Landscape Plan. No site plan shall be approved without an acceptable landscape plan. Information on location of plantings, species, numbers, and size is appropriate.
 - (5) Building Outline And Floor Area. Dimension floor area and identify building usage. If multiple use, provide appropriate floor area breakdown. Provide other information including building entrances as required by the Planning and Zoning Commission.
 - (6) Parking And Off-Street Loading.
 - (a) All parking shall be based upon building use(s) in accordance with parking requirements provided in these regulations. Handicapped spaces shall be provided. Appropriate dimensions shall be given for all parking spaces and access aisles. Handicapped parking space signs and ramps shall be indicated where applicable. Off-street loading shall be provided as specified in these regulations and shall be appropriately dimensioned.
 - (b) Indicate curb and gutter on all parking lots.
 - (7) In order to insure architectural compatibility within non-residential and certain residential zoned areas of the City, the Commission shall require architectural drawings and profiles to accompany site plans.
 2. Upon approval of the preliminary plat/site plan five (5) copies of the revised plat/plan incorporating appropriate contingencies shall be submitted to the Planning Department prior to issuance of a building permit. If available, digital media shall also be provided. Failure to provide said revised plat/plans will render the plan null and void.
 3. If the site work approved through the site plan approval process has not been substantially begun within twelve (12) months after site plan approval, the site plans shall become null and void. An applicant must refile the appropriate information when said site plan has been voided. The improvements included on the site plan, including all building facade treatments, landscaping and other site details, shall be completed within one (1) year of issuance of a building permit unless otherwise extended by the Planning Commission.

E. Architectural Review For Structures In All Zoning Districts Except "R-1" Single-Family Residential District And "R-2" Two-Family Residential District.

 1. Purpose. The intent of this Subsection (E) is to assure the mutual compatibility and appearance of buildings and their surroundings in the City of St. Peters.
 2. Application Review Responsibility.
 - a. The criteria shall apply to all new building construction excluding single-family residential dwellings. The Commission, prior to issuance of a building permit by the City, shall have the responsibility to review

renderings except as provided for hereinafter. Where building additions or alterations are considered, the Administrative Officer shall review renderings for consistency with original renderings. At the time of occupancy and/or use change, the Administrative Officer may require modifications to the building exterior to improve the appearance of the building. For substantial remodeling or renovation of a building, a revised rendering or elevation drawing shall be submitted to the Planning Commission for review. If there are no changes to the site plan, a key map or sketch plan shall be provided to indicate the location of the building.

- b. For all attached housing units including, but not limited to, duplexes, villas and multiple-family buildings, the following architectural requirements will apply:
 - (1) Buildings shall include a mixture of materials including masonry, siding, and other appropriate architectural treatment. **[Ord. No. 7458, 6-24-2021]**
 - (2) The Administrative Officer shall be given the authority to approve renderings or colored photos but cannot reject the same. Any renderings of multiple-family units not approved by the staff shall be brought to the Planning and Zoning Commission. The Planning and Zoning Commission shall review those renderings and shall approve or deny the renderings no later than the second regular meeting of the Planning and Zoning Commission. If the Planning and Zoning Commission denies said renderings, the Chairman shall set forth in writing the reasons for denial by the Commission.
3. Submission Guidelines/requirements.
 - a. An elevation drawing of all sides of the building detailing the building's profiles must be submitted for Commission review along with the site plan. The elevation drawing must identify all building materials and colors in a readable manner. The elevations shall be drawn on a twenty-four (24) inch by thirty (30) inch (minimum size) sheet of paper at a scale no smaller than twenty (20) feet to the inch. The building elevation drawings shall be submitted to the Planning Department within seventeen (17) days of the initial plan submittal date. Where multiple buildings are proposed and they will differ architecturally, the site plan applicant is expected to supply all appropriate renderings. Material samples must be provided at the Planning and Zoning Commission meeting when the project is under review.
 - b. Twelve (12) file copies (8.5" x 11", 8.5" x 14", or 11" x 17" or similar) of the elevation drawing must also be submitted to the Planning Department by the final submittal date of the site plans. Plans submitted for review with a building permit application shall essentially be in accord with the elevation drawing or the permit will be denied.
 - c. Where deed or subdivision documents contain architectural standards, applicant shall supply a copy of same to the Planning Department.

- d. If the building elevation drawings do not comply with these submittal requirements, the building elevation drawings and related site plan shall not be placed on the Planning Commission agenda until all submittal requirements are addressed.

4. Criteria.

- a. (1) All buildings shall be architecturally treated on all sides of the building to create a consistent and attractive building appearance. All new buildings shall be designed so as to match or complement existing buildings in the vicinity. All buildings within the "C-1" Neighborhood District shall be designed to be compatible with surrounding residential areas and shall include an appropriate and limited amount of window glass.
- (2) Architectural materials shall be as approved on the architectural renderings. All new buildings shall consist predominantly of masonry/brick; stucco, wood, metal or EFIS type material shall be considered as accent material. The Planning Commission may approve other materials that provide similar or equal architectural treatments and are deemed to have the same durability as masonry.
- b. Roof top utilities such as, but not limited to, cooling towers and heating and cooling equipment installed in conjunction with any buildings or installed on any building heretofore erected shall be screened/enclosed with walls of brick, wood, or other similar architectural material extending to the height of the highest projection of such equipment from all sides.
- c. Exterior walls of buildings exposed as the result of demolition or removal of an adjacent building, unless such walls are in good condition and architecturally compatible with other walls and surrounding buildings, shall be renovated or improved, as required by the Planning and Zoning Commission, to provide such compatibility.
- d. Retaining walls and similar walls shall be of a decorative treatment as approved by the Planning Department. Exemption from this requirement shall be as approved by the Administrative Officer. Guardrails or fences shall be required when safety concerns are evident and shall be of a material approved on the site plan by the Planning Department.

F. Public Improvements Installed Or Guaranteed In All Zoning Districts.

- 1. Improvement Guarantee Required. After the site plan has been approved and all inspection fees paid, but before the issuance of any grading or building permits or the approval of the record plat, the developer shall guarantee the completion of all improvements required by the approved site plan together with the cost of restoration of any site in case of failure of the developer to complete the improvements so approved once land disturbance has commenced, and shall guarantee maintenance of such improvements as required herein. Except as provided in Subsection (F)(2) below, the developer shall either:

- a. Complete and dedicate the improvements in accordance with the approved site plan under the observation and inspection of the City Engineer, and establish a maintenance agreement and provide a deposit to guarantee maintenance of such improvements as required herein; or
 - b. Establish a deposit under a deposit agreement with the City of St. Peters guaranteeing the construction, completion, and installation of the improvements ("construction deposit"), and establish a separate deposit for maintenance obligations as required herein for the improvements shown on the approved site plan ("maintenance deposit"), within an improvement completion period approved by the City Engineer, which period shall not exceed two (2) years and which maintenance deposit shall be established prior to the final construction deposit release.
2. Exceptions. The City Engineer may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.
3. Deposit Options. Deposits required by this Section shall be in conjunction with a deposit agreement and may be in the form of cash or letter of credit as follows:
 - a. Cash deposited with the Treasurer of the City to be held in an interest-bearing account dedicated for that purpose, with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits; or
 - b. An irrevocable letter of credit drawn on a local financial institution acceptable to and in a form approved by the City's Attorney and the City Engineer. The letter of credit may not be drawn on any financial institution where the developer or a related person, directly or indirectly, voluntarily or involuntarily, owns, operates, controls through stock ownership or otherwise, or becomes employed by, advises, consults with or represents in any capacity such financial institution; provided however, nothing contained herein shall be construed to prohibit the developer from: (i) investing in any such financial institution, so long as he does not own or control ten percent (10%) or more of such financial institution's ownership interests, or ten percent (10%) or more of any class of securities of such financial institution, when the developer is a financial institution, it may issue its own letter of credit. The letter of credit shall provide that the issuing institution will pay, on demand, to the City such amounts as the City may require to fulfill the developer obligations herein, as the same may be reduced from time to time in writing by the City Engineer. The letter of credit shall be irrevocable for least one (1) year and shall state that any balance remaining at the expiration shall automatically be deposited in cash with the Treasurer of the City, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a non-refundable fee of two hundred dollars (\$200.00) to the City with submission of a letter of

credit and one hundred dollars (\$100.00) for any amendment or extension thereto to partially reimburse the City's administration and review costs in accepting and maintaining such letter of credit. **[Ord. No. 7231, 11-14-2019]**

- c. Due to the costs of administering deposit agreements and the compliance with State regulations relating thereto, any developer that elects to use a deposit agreement in lieu of completing the improvements as otherwise provided for in this Chapter and Section 89.410, RSMo., shall deposit an additional fee of five hundred dollars (\$500.00) that shall be used by the City to defray costs of administration, legal review, procedural changes, and other costs not otherwise reimbursed to the City resulting from the City's acceptance of such deposit agreements. The developer shall be obligated to reimburse the City for any additional costs, including, but not limited to, reasonable attorneys fees, above such deposit amount arising in any way from the City's acceptance of a deposit agreement in lieu of completion of improvements prior to recording the record plat. The developer may request a refund of principal amounts, if any, of any initial or supplemental deposit of the costs attributable to the improvements during the period of the deposit agreement by written request made to the City Engineer within thirty (30) days after the developer has received the City Engineer's approval of any category of improvements subject to such deposit agreement.
4. Amount Of Deposit. The amount of the deposit required by this Section shall be calculated as follows:
 - a. Construction Deposit. The deposit required of a developer establishing a deposit agreement pursuant to Subsection (F)(1)(b) shall be, in addition to the separate maintenance deposit sum, in the amount of one hundred percent (100%) of the City Engineer's estimate of the cost of the construction, completion and installation of the required improvements, plus a sum for grading and restoration based on the estimated costs of construction on all residential sites or a restoration sum for construction on all non-residential sites calculated as follows: for sites of 0 — 1 acre — \$5,000; 1 — 3 acres — \$15,000; 3 — 5 acres — \$25,000; 5 — 10 acres or more — \$50,000. The developer shall submit a list of quantities and unit costs for materials and labor to construct the improvements in order to facilitate the City Engineer's estimation of the cost of such improvements. The unit costs shall be taken from the most current edition of the St. Louis County Department of Highway and Traffic's Design Criteria Manual, Schedule of Unit Prices. Any items not listed within the Schedule of Unit Prices shall be submitted by the developer's engineer.
 - b. Maintenance Deposit. The deposit required of a developer pursuant to Subsections (F)(1)(a) and (F)(1)(b) for maintenance obligations shall be in the amount of fifteen percent (15%) of the City Engineer's estimate of the cost of the construction, completion and installation of the required improvements, plus one hundred percent (100%) of the restoration sum. The maintenance deposit shall be established by cash sum or submission of a separate letter of credit.

- c. Where certain improvements are required to be installed prior to approval of the record plat pursuant to Subsection (F)(2), the gross deposit amount for the construction deposits shall be reduced by the estimated cost of such improvements once they have passed inspection.
5. Deposit Agreement — Releases. The deposit agreement entered into with the City of St. Peters shall require the developer to agree to fulfill the obligations imposed by this Section, and shall have such other terms as the City's Attorney may require consistent with this Section. The deposit agreement shall authorize the City Engineer to release the cash or reduce the obligation secured under the letter of credit as permitted herein. Such releases or reductions may occur upon completion, inspection and approval by the City Engineer of all required improvements within a category of improvements, or may occur from time to time as work on specific improvements is completed, inspected and approved, provided however, that: **[Ord. No. 7231, 11-14-2019]**
- a. Releases — General. The City Engineer shall release the cash or release the letter of credit as to all or any part of the developer's obligation only after construction, completion, and installation of some phase of work on the improvements as indicated on the approved site plan and receipt of requisite written notification from the City Engineer, but only in the amounts permitted herein.

Closed circuit TV (CCTV) inspections for sanitary and storm sewer mains to be dedicated to the City shall be required prior to the initial release of any deposit agreement related thereto. The CCTV inspection shall be conducted by the City at a cost to the developer of one dollar (\$1.00) per lineal foot of sewer main. Said fee must be paid prior to inspection of the mains. The developer may elect to conduct the CCTV inspection itself, in which case the developer shall provide the City with a videotape and written report prepared by an inspection company or engineer approved by the City. The CCTV videotape and inspection report shall be prepared in the format required by the City, and shall describe the slope, location and type of deficiencies found. After correction of any deficiencies, such deficiencies shall be reinspected by the City at the above cited cost to the developer. No release of the deposited funds for such improvements shall be made until the deficiencies found have been corrected and dedicated.

- b. Extension Of Completion Period. If, at the end of the required improvement completion period, all of the improvements shown on the approved site plan have not been completed, the developer may request and the City Administrator may grant an extension to the improvement completion period for a period of up to two (2) additional years if after review by the City Engineer such longer period is deemed necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public improvements, facilities or requirements so long as all deposit agreements are extended and approved by the City's Attorney; provided, further, that the City Engineer may require as a condition of the extension execution of a new deposit agreement, recalculation of deposit amounts, or satisfaction of

new code requirements or other reasonable conditions as may be needed to ensure that the extended deposit agreement fully complies with the terms of this Section.

- c. **Construction Deposit Releases.** After an inspection of any specific improvement, the City Engineer may, in the City Engineer's discretion, release no more than ninety-five percent (95%) of the original sum deposited for the construction of such specific required improvement. Irrespective of any discretionary prior releases that may be authorized by the City Engineer, after completion and dedication of any component of the guaranteed improvements (i.e., less than all of the improvements in a given category), the remaining amount held for any category of improvements shall be released within thirty (30) days of completion and dedication of all of the improvements in such category of improvement, minus a retention of five percent (5%) which shall be released only upon completion and dedication of all improvements for the site. The City Engineer shall establish the improvement categories, which may consist of improvement components or line items, to be utilized for calculation of deposit amounts, but such categories, components, and line items shall in no way modify or reduce the developer's deposit agreement as to all required improvements, irrespective of any release or completion of any category, or underlying component or line item. All improvements in a category shall be deemed complete only when:
 - (1) Each and every component and line item within a category for the entire site has been constructed and completed as required,
 - (2) The developer has notified the City Engineer in writing of the completion of all components of the category, provided all necessary or requested documentation, including a signed instrument of dedication therefor and requests an inspection,
 - (3) The developer is not in default or in breach of any obligation to the City under this Section, including, but not limited to, the City Engineer's demand for maintenance or for deposit of additional sums required for the improvements, and
 - (4) The inspection has been completed and the results of the inspection have been approved by the City Engineer. Releases of the maintenance deposit amounts shall be as provided elsewhere in this Section for maintenance deposits.
- d. **Effect Of Release — Continuing Obligations.** The developer shall continue to be responsible for defects, deficiencies, damage to and maintenance of required improvements during development of the site. No inspection, approval or partial release of funds from the construction deposit as to any component or category shall be deemed to be the City's final approval of an improvement or otherwise release the developer of its obligation relating to the completion of all the improvements until the final construction deposit release is made on all improvements declaring that all improvements have in fact been constructed as required. No such

final inspection, approval and construction deposit release, or any partial releases with respect to any portion of the required improvements, shall constitute dedication and acceptance of the improvement by the City as a public improvement of the City for which the City shall bear any responsibility or be deemed to have accepted for maintenance.

- e. Deficient Improvements. No approval of required improvements shall be granted for improvements that fail to meet the specifications established by City ordinance or otherwise adopted by the City Engineer.
- f. Final Construction Deposit Release. Upon final inspection and approval of all required improvements, the remaining amount of the construction deposit shall be released; provided, that no such funds shall be released on a final inspection until the development of the site is complete, as determined by the City Engineer.
- g. Appeals. If the developer believes that a release or certificate of completion has been improperly denied, including, but not limited to, under Subsections (F)(5) or (F)(6) hereof, an appeal shall be filed pursuant to Article XI of this Chapter, and no such denial shall be deemed final until such appeal procedure has been exhausted.
- h. Inspections. The City Engineer shall inspect each category of improvement within twenty (20) business days after a request for such inspection has been filed with the City Engineer by the developer, and no inspection shall be required until such request is received by the City Engineer. For purposes of this Section, an "inspection request" shall constitute and occur only on a completed written request form that shall include:
 - (1) The category of improvement reflected in the deposit agreement that is requested to be inspected;
 - (2) A certification from a professional engineer registered in the State of Missouri that the category of improvement has been installed and is being maintained in conformance with the final approved site plan and all applicable requirements thereto, and is therefore ready for inspection; and
 - (3) A verified statement from a representative officer of the developer attesting that the information in the inspection request is true and accurate.

Nothing herein shall preclude the City Engineer from completing additional inspections at his or her discretion or as a courtesy to the developer.

6. Maintenance Guarantee.

- a. Scope And Duration. Upon commencement of installation of the required improvements within the subject site, the developer shall be responsible for the maintenance of the improvements, including undeveloped lots,

streets, sidewalks, common areas, and storm and drainage facilities, until the sooner of:

- (1) The expiration of twelve (12) months after final release of the construction deposit by the City, or
- (2) Expiration of twelve (12) months after occupancy permits have been issued on ninety-five percent (95%) of all of the lots in the subdivision plat(s) subject to the deposit agreement, whichever is earlier.

Maintenance shall include repair or replacement of all defects, deficiencies and damage to the improvements that may exist or arise, abatement of nuisances caused by such improvements, removal of mud and debris from construction, erosion control, grass cutting, removal of construction materials (except materials to be used for construction on the lot or as permitted by site plan), and street deicing and snow removal. All repairs and replacement shall comply with City specifications and standards. The maintenance obligation for required improvements to existing public roads or other existing public infrastructure already maintained by a public governmental entity shall terminate on and after the date such improvements have been inspected, and dedication and maintenance of the improvements has been accepted by the Board of Aldermen. Irrespective of other continuing obligations, the developer's street deicing and snow removal obligations shall terminate on the date a street is accepted by the City for public maintenance.

b. Maintenance Deposit — Amount — Use.

- (1) The maintenance deposit shall be retained by the City to guarantee maintenance of the required improvements and, in addition to being subject to the remedies of Subsection (F)(7) and other remedies of this Code, shall be subject to the immediate order of the City Engineer to defray or reimburse any cost to the City of maintenance or repair of improvements related to the site or subdivision which the developer fails or refuses to perform. Such costs shall include off-site damage caused by deficiencies in the improvements or failure of maintenance. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the City Engineer shall provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City. The City Engineer shall have the authority to require the maintenance deposit to be replaced or replenished by the developer in any form permitted for an original deposit where the amount remaining is determined to be insufficient or where the maintenance deposit was drawn upon by the City for maintenance.
- (2) In determining the amount of maintenance deposit that shall continue to be held, portions of the deposit amount that were

attributable to improvements that have been accepted by any third party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by that entity.

- c. Final Maintenance Deposit Release. Upon expiration of the maintenance obligations established herein, the City Engineer shall cause a final inspection to be made of the required improvements. Funds shall then be released if there are no defects or deficiencies found and all other obligations are shown to be satisfied on inspection thereof, or at such time thereafter as any defects or deficiencies are cured with the permission of, and within the time allowed by, the City Engineer. This release shall in no way be construed to indemnify or release any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any deposit has been released.
7. Failure To Complete Improvements. The obligation and rights of the developer to construct, complete, install and maintain the required improvements indicated on the approved site plan and provide for their maintenance shall not cease until the developer shall be finally released by the City Engineer, nor shall any deposit agreements or obligations hereunder be assignable or transferable by developer. Furthermore, in the event of a default, abandonment, or failure of the developer to complete the improvements, no other person, firm, entity shall acquire (whether by contract, judicial foreclosure or other means) any rights to the remaining deposited funds as a developer without entering into a separate deposit agreement with the City. If, after the initial improvement completion period or after a later period as extended pursuant to this Section, the improvements indicated on the approved site plan are not constructed, completed, installed, accepted and maintained as required, or if the developer shall violate any provision of the deposit agreement, the City Engineer may notify the developer to show cause within not less than ten (10) days why the developer should not be declared in default. Unless good cause is shown, no building or other permit shall be issued to the developer in the subdivision or for the site during any period in which the developer is in violation of the deposit agreement or Article VIII of this Chapter relating to the subdivision or site. If the developer fails to cure any default or present compelling reason why no default should be declared, the City Engineer shall declare the developer in default and may take any one (1) or more of the following acts:
 - a. Deem the balance under the deposit agreement not theretofore released as forfeited to the City, to be then placed in an appropriate trust and agency account subject to the order of the City Engineer for such purposes as letting contracts to bring about the completion or maintenance of the improvements required on the approved site plan or other appropriate purposes in the interest of the public safety, health and welfare; or
 - b. Require the developer, letter of credit provider or surety to pay to the City the balance of the sum not theretofore released; or
 - c. Require the developer to submit an additional sum sufficient to guarantee

the completion or maintenance of the improvements indicated on the approved site plan after recalculation in order to allow for any inflated or increased costs of constructing or maintaining the improvements.

The failure of a developer to complete the improvement obligations within the time provided by the deposit agreement (or any extension granted by the City), including the payment of funds to the City due to such failure or an expiration of a letter of credit, shall be deemed an automatic act of default entitling the City to all remedies provided in this Section without further or prior notice. It shall be the sole responsibility of the developer to timely request an extension of any deposit agreement if the improvements are not completed in the original time period provided by the deposit agreement, and no right to any extension shall exist or be assumed.

8. Other Remedies For Default. If the developer, letter of credit provider or surety fails to comply with the City Engineer's requirements for payment as described above or fails to complete the improvements as required or otherwise violates the deposit agreement provisions, and there is a risk that development will continue in the subdivision or on the site without the timely prior completion of required improvements or compliance with any deposit agreement provisions, the City Engineer may, with the City Administrator's approval, in addition or alternatively to other remedies:
 - a. Suspend the right of anyone to build or construct on the site or any undeveloped portion of a subdivision. For the purpose of this Subsection the "undeveloped portion" of a subdivision means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The City Engineer shall give the developer ten (10) days' written notice of an order under this Subsection, with copies to all letter of credit providers or sureties, as appropriate, who have outstanding obligations for any undeveloped portion of the site or subdivision, and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) day period after notice is given, the City Engineer is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the City Engineer shall order construction suspended on the site or the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer of the letter of credit or surety as appropriate, and a copy recorded with the Recorder of Deeds. Public notice of said order shall be conspicuously and prominently posted by the City Engineer at the site or subdivisions or lots subject to said order. The notice shall contain the following minimum language, which may be supplemented at the discretion of the City Engineer.

- (1) If said notice is for a site or subdivision:

THIS [SITE] SUBDIVISION, (name of [site] subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF ST. PETERS CITY ENGINEER. NO DEVELOPMENT,

CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS [SITE] SUBDIVISION UNTIL SUCH TIME AS THE CITY OF ST. PETERS CITY ENGINEER REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE PROVISIONS OF THE ST. PETERS CITY CODE.

(2) If said notice is for a lot:

THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF ST. PETERS CITY ENGINEER. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF ST. PETERS CITY ENGINEER REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE PROVISIONS OF THE ST. PETERS CITY CODE.

The City shall not thereafter authorize construction to take place contrary to the City Engineer's order. The suspension shall be rescinded in whole or in part only when the City Engineer is convinced that completion of the improvements is adequately assured in all or an appropriate part of the site or subdivision and a guarantee of maintenance provided; or

- b. Suspend the rights of the developer, or any related entity, to construct structures in any development platted after the effective date of such suspension throughout City of St. Peters. The City Engineer shall give the developer ten (10) days' written notice of an order under this clause, with a copy to letter of credit providers or sureties known to the City Engineer who have obligations outstanding on behalf of the developer or related entities and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) day period after notice is given, the City Engineer is not convinced by compelling evidence that completion and maintenance of the improvements is adequately assured as provided herein, the City Engineer shall order construction suspended. The order shall be served upon the developer, with a copy to the letter of credit provider or surety as appropriate, and a copy recorded with the Recorder of Deeds. The City shall not thereafter authorize construction to take place contrary to the City Engineer's order. The suspension shall be rescinded only when the City Engineer is convinced that completion and maintenance of the improvements is adequately assured.
9. Suspension Of Development Rights. From and after the effective date of this Section, if a developer, or any related entity, has a subdivision deposit

agreement or guarantee that is in default, as determined by the City Engineer, including any escrow or bond under any prior version of this Section:

- a. The City Engineer shall be authorized, but not be limited to, thereafter pursue the remedies of Subsection (F)(8) of this Section; and
 - b. The rights of the developer, or any related entity, to receive site plan approval, which approval shall include, but not be limited to, approval of any plat or deposit agreement for new or further development in the City, shall be suspended. The suspension shall be rescinded only when the City Engineer is convinced that completion and maintenance of the improvements is adequately assured.
10. Additional Remedies. If any party fails to comply with any obligation of this Section, the City Engineer may, with the City Administrator's approval, recommend that the City's Attorney take appropriate legal action and may also withhold any building or occupancy permits to a developer or related entities until such compliance is cured. The City shall also have the right to partially or wholly remedy a developer's deficiencies or breached obligations under this Code by set-off of any funds or assets otherwise held by the City of the developer to the maximum extent permitted by law. Such set-off shall occur upon written notice of such event by the City Engineer to the developer after the developer has failed to timely cure the deficiencies. It shall be deemed a provision of every deposit agreement authorized under this Chapter that the developer shall pay the City's costs, including reasonable attorney's fees, of enforcing such agreement in the event that the developer is judicially determined to have violated any provision herein or in such agreement. The developer may appeal any decision taken pursuant to this Section by filing an appeal under Article XI of this Chapter. **[Ord. No. 7231, 11-14-2019]**
- a. If a surety fails to perform on any bond or any other party fails to comply with any provision of this Section, the City Engineer may take such other and additional legal action as he or she deems appropriate.
 - b. No surety shall be eligible to provide a bond required herein, nor shall any financial institution be eligible to provide a letter of credit, unless approved in advance by the City Engineer on such terms and criteria as may be established by the City Administrator.
 - c. Escrow.
 - (1) Escrow agreements and surety bonds approved and provided prior to February 1, 2012, shall continue to be governed in accordance with their terms and the provisions of the St. Peters City Code in effect at the time of their approval; provided however, anything to the contrary contained therein or herein, the same shall be subject to the remedies provided in this Section 405.460(F) in the event of a default as hereinabove described or as set forth in such escrow agreement or surety bond.
 - (2) Escrow agreements and surety bonds approved and provided prior to February 1, 2012, for which the required period of completion of

improvements has not yet lapsed may be submitted to the City Engineer for extension or replacement only in accordance with the terms of this Section, as amended.

- (3) Notwithstanding any other provisions of the St. Peters City Code to the contrary with respect to an escrow agreement or surety bond delivered to the City prior to February 1, 2012, the City Engineer may approve a replacement escrow agreement or surety bond only in accordance with the terms of this Section, as amended.
11. Related Entities. For purposes of this Section, "related entity" has the following meaning: a developer is a "related entity" of another person:
 - a. If either has a controlling interest in the other, or
 - b. If any person, firm, corporation, association, partnership, or other entity with a controlling interest in one has controlling interest in the other.

The identification of related entities may be supported by documentation from the Missouri Secretary of State's Office, Jefferson City, Missouri.

Section 405.470. Street Naming (New Street). [R.O. 2007 § 405.480; Ord. No. 1523 § 6.2200, 5-11-1989]

Before a street name can be assigned or used, the City must have received written approval from the St. Charles County Planning Department. The developer must submit said written approval prior to the Planning and Zoning Commission's review of the site/preliminary plan(s).

Section 405.480. Street Name Change (Existing Street). [R.O. 2007 § 405.490; Ord. No. 1523 §§ 6.2300 — 6.2304, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 5742 § 16, 4-30-2012]

- A. In order to petition for the change of a street name, the procedures set forth in this Section shall be followed.
 1. A street name change may be initiated by any owner of property that is located and has an address on the street subject to the proposed name change.
 2. The petitioner shall submit the proposed street name change(s) to St. Charles County and the applicable fire protection district for review and comment.
 3. After approval of the new street name by St. Charles County and the applicable fire protection district, an owner of property located and with an address on the street subject to the proposed name change shall submit a petition proposing a change of a name for a street to the Administrative Officer for consideration. The petition shall be submitted on a form provided by the City and shall include signatures of at least seventy-five percent (75%) of the owners of properties located on the applicable street unless initiated by the City. The applicable fee shall be paid (see Appendix A to this Title IV) at the time the petition is submitted to the City.
 4. After verification of the sufficiency of the petition by the Administrative

Officer, the Administrative Officer may place said petitioned change(s) on the Planning Commission agenda.

5. A property owner included on the petition and representing the petition must appear before the Planning and Zoning Commission; the Commission shall take final action on the proposed street name.
6. Upon the Planning Commission's approval, the City Clerk will provide the County Recorder's and Assessor's office with copies of the affidavit approving said street name change(s). The Planning Department will inform the appropriate fire protection district and post office of the name change and coordinate the necessary corrections to the official maps of the City of St. Peters.

Section 405.490. Street Vacation. [R.O. 2007 § 405.500; Ord. No. 1523 §§ 6.2400 — 6.2404, 5-11-1989; Ord. No. 6249 § 18, 10-23-2014]

- A. To vacate a street right-of-way, person(s) must follow the procedures outlined below:
 1. Persons requesting to vacate a street right-of-way must make a formal written request to the City. Such request(s) must be considered by both the Planning and Zoning Commission and the Board of Aldermen. In addition, the request must be accompanied by the following:
 - a. Legal description of property to be vacated.
 - b. Documentation from utility companies that they release their claims to easements insuring there are no utility lines within easement area(s).
 2. All street vacation requests must be reviewed by the Planning and Zoning Commission. Although no formal public hearing is required, an advertisement will be published in a newspaper of general circulation notifying the public of the proposed vacation for one (1) week prior to the regular meeting. The fee for the advertisement shall be paid by the person(s) requesting said street vacation.
 3. Upon recommendation by the Commission, the Board of Aldermen may act on said vacation request(s). If the Board approves of the vacation, an appropriate ordinance will be prepared.
 4. Following approval of the aforementioned ordinance, the City Clerk will provide the St. Charles County Recorder's and Assessor's office with the appropriate document.

Section 405.500. Hunting Of Wildlife Within City.¹⁹ [Ord. No. 6598 § 6, 8-25-2016]

- A. Certain Hunting Permitted.

¹⁹ Editor's Note: Former Section 405.500, Structures Required, Spacing Requirement, Lot Widths – Service Stations – Restroom Facilities, adopted and amended R.O. 2007 § 405.505; Ord. No. 1523 § 6.2500, 5-11-1989; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3781 § 1, 2-20-2003, was repealed 10-23-2014 by § 19 of Ord. No. 6249.

1. Upon first obtaining a special use permit to hunt on certain property within the City, the following hunting activities may be permitted:
 - a. Hunting With Projectile Weapons. Hunting of wildlife with a projectile weapon on property consisting of at least five (5) contiguous acres.
 - b. Hunting With Shotguns. Hunting of wildlife on property consisting of at least forty (40) contiguous acres with shotguns loaded with a self-contained cartridge containing multiple, spherical projectiles commonly referred to as "shot."
 2. Two or more properties may be combined, upon written consent of all the owners of all the properties to be combined, to achieve the minimum land size requirements of this Subsection (A).
- B. Specific Action Prohibited/Required.
1. All hunters must complete a hunter safety course prior to hunting in the City.
 2. The holder of a special use permit to hunt wildlife must annually provide the City with a certificate of insurance providing evidence of a policy of general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence, and two million dollars (\$2,000,000.00) in the aggregate.
 3. All hunters must carry a valid Missouri hunting permit and any necessary tags on their person at all times, and must otherwise comply with the State of Missouri Wildlife Code, Federal hunting regulations, and City ordinances.
 4. It shall be unlawful for any person to discharge any firearm or projectile weapon from, towards or across any public roadway or sidewalk.
 5. It shall be unlawful for any person to discharge a firearm or projectile weapon within two hundred fifty (250) yards of any church, school, or playground.
 6. It shall be unlawful for any person to discharge any firearm or projectile weapon at or in the direction of another person, any vehicle, dwelling unit, church, school, playground or building that is within the range of discharge plus two hundred fifty (250) feet.
 7. It shall be unlawful for any person to discharge a firearm or projectile weapon within two hundred fifty (250) feet of any vehicle, dwelling unit, or building, unless the hunter is the owner of such vehicle, dwelling unit, or building, or unless the hunter has previously received express authority from such owner to discharge the shotgun, firearm or projectile weapon within two hundred fifty (250) feet of such vehicle, dwelling unit, or building.
 8. It shall be unlawful for any person to knowingly discharge a firearm or projectile weapon while on the property of another without first having obtained permission from the owner, lessee, or person in lawful possession of such property.
- C. Violations. Any person determined to be in violation of any of the provisions of this

Section shall, upon conviction, be subject to a fine of up to five hundred dollars (\$500.00) and up to ninety (90) days in the St. Charles County Jail, or to both such fine and imprisonment. Each incident or day of such violation shall constitute a separate offense.

Section 405.510. Yard And Court Encroachments. [R.O. 2007 § 405.510; Ord. No. 1523 §§ 6.2600 — 6.2603, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 6249 § 20, 10-23-2014; Ord. No. 7192, 8-22-2019]

- A. General. A part of any building or structure shall not extend into side courts, inner courts or yards required for light and ventilation of habitable and occupiable rooms or by the zoning law or other Statutes controlling building construction, except as hereinafter provided.
- B. Steps, Architectural Features And Roof Eaves. Steps, window sills, belt courses, and similar architectural features and rain leaders, chimneys, and roof eaves shall project not more than two (2) feet beyond any building line.
- C. Exterior Stairways And Fire Escapes. Outside stairways, smoke proof tower balconies, fire escapes, window wells or other required elements of a means of egress shall not project more than four (4) feet beyond the face of the wall.
- D. Holiday Decorations And Structures. Holiday decorations and related structures, including fences, walls, tents, and similar enclosures, shall be allowed in the front, side and rear yards in any zoning district. Such decorations and related structures shall not be permitted in the public right-of-way. Structures shall not be installed more than forty-five (45) days prior to the applicable holiday and shall be removed within fourteen (14) days of same holiday.

Section 405.515. Exterior Treatment Of Exposed Foundations. [R.O. 2007 § 405.515; Ord. No. 1523 § 6.2700, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 3795 § 1, 3-13-2003]

Any exposed foundation wall on any new structure as defined in this Chapter shall be treated with an appropriate substance to complement the appearance of the structure. The following examples would be permitted as treatment of exposed foundations: continuance of siding treatment down to within one (1) foot of grade, or a brick masonry unit, or stone, of a complementary or matching color.

Section 405.520. Vehicle Repair Or Dismantling. [R.O. 2007 § 405.520; Ord. No. 1523 § 6.2800, 5-11-1989; Ord. No. 2120 § 1, 3-10-1994]

- A. Definitions. As used in this Section, the following terms shall have these prescribed meanings:
 - MINOR REPAIRS — Repairs such as changing oil; spark plugs, tires or air/oil filters; adjusting brakes; replacing carburetors; repairing or switching tires; replacing the alternator; and repairs of a similar nature.
 - SUBSTANTIAL REPAIRS — All repairs other than minor parts.

- B. No person shall make substantial repairs to any vehicle or dismantle any vehicle upon a public street or upon private property in any residentially or commercially zoned district unless said repairs or dismantling is conducted in an enclosed area, the interior of which cannot be viewed from any surrounding residential property.
- C. Any repairs or dismantling as authorized in Subsection (B) shall only be lawful if the owner of or person controlling the residential property is performing said repairs or dismantling a vehicle owned by a member of the household.
- D. Nothing herein shall prohibit minor repairs be performed on a vehicle owned by a member of the household. Such minor repairs can be conducted in an enclosed area or if performed outside must be completed within a six (6) hour period.
- E. The repair of vehicle under this Section shall not create a nuisance by excessive noise, early or late work or debris accumulation.

Section 405.525. Wireless Communications Services. [R.O. 2007 § 405.525; Ord. No. 1523 § 6.2900, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5638 § 1, 8-25-2011; Ord. No. 5742 § 17, 4-30-2012; Ord. No. 6184 § 3, 7-24-2014; Ord. No. 6195 § 7, 8-14-2014]

- A. Definitions. For purposes of Sections 405.525 through 405.528 only, the following terms shall have the meanings hereinafter subscribed to such terms:

APPLICANT — Any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

APPLICATION — A request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for an eligible facilities request.

BUILDING PERMIT — A permit issued by the Administrative Officer prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant satisfies Chapter 505 of the Municipal Code of the City of St. Peters.

- B. Wireless support structures shall not exceed one hundred (100) feet unless otherwise set forth in the special use permit in accordance with the provisions of Section 405.526(D).
- C. No wireless support structure shall be located within one thousand (1,000) feet of another wireless support structure. The distance shall be calculated from the center of the base of the wireless support structure.
- D. All wireless support structures shall be constructed to allow for collocation of wireless communications services as detailed in the applicable special use permit. **[Ord. No. 6865, 11-9-2017]**
- E. No more than one (1) wireless support structure shall be constructed on any single lot.

- F. Wireless support structures shall be set back at least fifty (50) feet from any public right-of-way unless otherwise set forth in the special use permit in accordance with the provisions of Section 405.526(D).
- G. The design of a wireless support structure, equipment compound, or base station shall maximize the use of building materials, colors, textures, screening, and landscaping that effectively blend the wireless support structure, equipment compound, or base station within the surrounding structures and the natural setting. Antennas on structures, including signage, shall be painted or designed to match the structure to which they are attached.
- H. Landscaping and/or sight-proof fencing shall be installed around the base of all wireless support structures, equipment compounds, and base stations as approved by the Administrative Officer on a site plan. Landscaping shall be installed to effectively screen equipment compounds and base stations from adjacent residences and roadways.
- I. The construction, maintenance and operation of wireless support structures, wireless facilities, base stations and equipment compound shall comply with all federal, State and City regulations. In addition, the Board of Aldermen may impose reasonable restrictions and conditions to the issuance of any such special use permit.
- J. Any wireless support structure, wireless facilities, base station or equipment compound that is no longer in use for any wireless communications service shall be removed at the property owner's expense. The property owner shall provide the City with a copy of the notice to the Federal Communications Commission of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove such wireless support structure, wireless facilities, base station or equipment compound.

Section 405.526. Special Use Permits For New Wireless Support Structures Or Substantial Modification Of Wireless Support Structure. [Ord. No. 6184 § 4, 7-24-2014; Ord. No. 6195 § 8, 8-14-2014]

- A. Notwithstanding the provisions of Section 405.780 to the contrary, an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be subject to the provisions of this Section.
- B. Filing Of Application And Fees.
 - 1. An application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the Administrative Officer. Each application shall be filed with the Administrative Officer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the Administrative Officer. The application shall be accompanied by the fee set forth in the Schedule of Permits, Inspections and Plan Review Fees, as set forth in Appendix A to Title IV, payable to the City to cover the costs of advertising, notification, and other

administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.

2. An application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the Administrative Officer and shall contain or be submitted concurrently with the following information:
 - a. A legal description of the real property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
 - b. Acreage of the real property to be affected;
 - c. A scaled map of such property, correlated with the legal description and clearly showing the real property's location;
 - d. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
 - e. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
 - f. Date of filing with the Administrative Officer;
 - g. The present zoning for the real property;
 - h. The existing use(s) and the proposed use(s) of such real property;
 - i. The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means;
 - j. A concept plan indicating the following:
 - (1) Building(s) outline;
 - (2) Curb cuts;
 - (3) Boundaries of the subject real property;
 - (4) Adjacent or connecting streets and their names;
 - (5) Other items as deemed necessary by the Administrative Officer, which may include but are not necessarily limited to:
 - (a) Floor area.
 - (b) Parking areas and parking calculations.

- (c) Cross access easements with adjacent parcels, if applicable.
- (d) Site features, including light standards, trash enclosures, fencing.
- (e) General location of landscaping.
- (f) Front, rear and side yard setbacks.
- k. A site plan in compliance with Section 405.460(D) may be submitted in lieu of a concept plan;
- l. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;
- m. Documentation evaluating how the wireless support structure will be landscaped or how views of the wireless support structure will be screened;
- n. The type of wireless facilities, infrastructure or technology to be used by the applicant; and
- o. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. Procedure.

1. Hearing And Consideration By The Planning And Zoning Commission. Within sixty (60) calendar days of receiving an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Administrative Officer, the Planning and Zoning Commission shall:
 - a. Conduct a hearing and review the application in light of its conformity with this Section 405.526:
 - (1) An application is deemed to be complete unless the Administrative Officer notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
 - (2) Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30)

calendar days, the application shall be reviewed and processed by both the Planning and Zoning Commission and the Board of Aldermen within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one-hundred-twenty-calendar-day deadline for the City to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.

- b. Determine whether or not the standards described in Sections 405.525 and 405.526 have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met. Thereafter, the Planning and Zoning Commission shall either:
 - (1) Postpone consideration of the application because the application is incomplete;
 - (2) Recommend approval of the application to the Board of Aldermen;
 - (3) Recommend approval of the application with conditions to the Board of Aldermen; or
 - (4) Recommended denial of the application to the Board of Aldermen.

If the Planning and Zoning Commission fails to act on an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within its sixty-calendar-day review period, or within such additional time as may be mutually agreed to by an applicant and the Administrative Officer, the Planning and Zoning Commission shall be deemed to have recommended approval of the application to the Board of Aldermen.

2. Notice Of Hearings. The Administrative Officer shall send, via regular mail, to the applicant(s), all the fee owners of the real property to be affected and their agents, if any, notice of each hearing to be conducted by the Planning and Zoning Commission and the Board of Aldermen. Such notice shall be mailed at least ten (10) days prior to the date of the hearing and contain the name of the applicant, the application number and the time and place of the hearing.
3. Hearing And Consideration By The Board Of Aldermen. Upon receipt of a recommendation from the Planning and Zoning Commission, and after providing notice pursuant to this Section, within one hundred twenty (120) calendar days of the Planning and Zoning Commission's receipt of an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Administrative Officer, the Board of Aldermen shall conduct a hearing, on the record, on the application and it shall:

- a. Review the application in light of its conformity with this Section

405.526;

- b. Make its final decision to approve or disapprove the application; and
 - c. Advise the applicant in writing of its final decision.
 4. The special use permit under consideration by the Board of Aldermen shall be in the form of an ordinance. Such ordinance shall include findings of fact as well as such terms, conditions, safeguards and restrictions upon the special use as deemed necessary by the Board of Aldermen.
 5. If the Board of Aldermen fails to act on an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one-hundred-twenty-calendar-day review period, or within such additional time as may be mutually agreed to by an applicant and the Administrative Officer, the application shall be deemed approved.
- D. Standards. When deciding whether to approve or deny a special use permit for a wireless support structure or substantial modification of a wireless support structure, the Planning and Zoning Commission and the Board of Aldermen shall consider the following:
 1. Whether the proposed special use complies with all applicable provisions of the Municipal Code of the City of St. Peters, including intensity of use regulations, setback regulations and use limitations;
 2. Whether the proposed special use will contribute to and promote the general, welfare, health, safety and convenience of the public;
 3. Whether the application meets the requirements of Sections 405.525 and 405.526;
 4. Whether denial of the special use permit will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II);
 5. Whether the proposed use will adversely affect the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will adversely affect the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the real property;
 - b. The nature and extent of proposed landscaping and screening on the real property; and
 - c. The nature of the zoning district and the uses permitted in such district.

Photographs or other pictorial representations of the wireless support structure or wireless facility, as viewed from neighboring properties, shall be considered when determining if the wireless support structure, or substantial modification to a wireless support structure, will adversely effect the immediate neighborhood; and

6. Any other relevant impact of the proposed use.
- E. Judicial Review. A party aggrieved by the final action of the Board of Aldermen, either by its affirmatively denying an application under the provisions of this Section 405.526 or by its inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

Section 405.527. Wireless Facilities Permit. [Ord. No. 6184 § 5, 7-24-2014; Ord. No. 6195 § 9, 8-14-2014]

- A. Intent And Purpose. Any person making an eligible facilities request for a modification of an existing wireless support structure or base station that is not a substantial modification of such wireless support structure or base station must apply to the Administrative Officer for a wireless facilities permit. An application for a wireless facilities permit shall be made on an application form provided by the Administrative Officer. The Administrative Officer may not deny, and shall approve, such wireless facilities permits.
- B. Procedure. All applications for a wireless facilities permit shall comply with the procedures set forth in this Subsection (B).
 1. An applicant for a wireless facilities permit shall submit the application and all attachments to the Administrative Officer on an application form provided by the Administrative Officer. The application shall be accompanied by the fee set forth in the Schedule of Permits, Inspections and Plan Review Fees, as set forth in Appendix A to Title IV, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.
 2. Each application shall include the following:
 - a. A legal description of the real property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
 - b. Acreage of the real property to be affected;
 - c. A scaled map of such property, correlated with the legal description and clearly showing the real property's location;
 - d. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
 - e. A copy of a lease, letter of authorization or other agreement from the

- property owner evidencing the applicant's right to pursue the application;
- f. Date of filing with the Administrative Officer;
 - g. The present zoning for the real property;
 - h. The existing use(s) of such real property;
 - i. The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means;
 - j. A concept plan indicating the following:
 - (1) Building(s) outline;
 - (2) Curb cuts;
 - (3) Boundaries of the subject real property;
 - (4) Adjacent or connecting streets and their names;
 - (5) Other items as deemed necessary by the Administrative Officer, which may include but are not necessarily limited to:
 - (a) Floor area.
 - (b) Parking areas and parking calculations.
 - (c) Cross access easements with adjacent parcels, if applicable.
 - (d) Site features, including light standards, trash enclosures, fencing.
 - (e) General location of landscaping.
 - (f) Front, rear and side yard setbacks.
 - k. A site plan in compliance with Section 405.460(D) may be submitted in lieu of a concept plan; and
 - l. The type of wireless facilities or technology to be used by the applicant.
3. Applications for a wireless facilities permit are not subject to the City's zoning or land use requirements, including design or placement requirements, or public hearing review, except as provided in Subsection (B)(7).
4. Except as provided in Subsection (B)(7), within forty-five (45) calendar days of receiving an application for a wireless facilities permit, the Administrative Officer shall:
- a. Review the application in light of its conformity with building permit requirements in Title V of the Municipal Code of the City of St. Peters,

Chapter 510 of the Municipal Code of the City of St. Peters, recognized industry standards for structural safety, capacity, reliability, and engineering, and consistency with Sections 67.5090 to 67.5103, RSMo.

- (1) An application is deemed to be complete unless the Administrative Officer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
 - (2) Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty-five-calendar-day deadline for the City to review the application shall be extended by the same period of time.
 - (3) The Administrative Officer may impose conditions on the wireless facilities permit to insure that the application conforms to building permit requirements in Title V of the Municipal Code of the City of St. Peters, Chapter 510 of the Municipal Code of the City of St. Peters, recognized industry standards for structural safety, capacity, reliability, and engineering, and is consistent with Sections 67.5090 to 67.5103, RSMo.
- b. Make its final decision to approve or disapprove the application; and
- c. Advise the applicant in writing of its final decision.
5. Except as provided in Subsection (B)(7), if the Administrative Officer fails to act on an application for a wireless facilities permit within the forty-five-calendar-day review period specified in Subsection (B)(4), the application shall be deemed approved.
6. A party aggrieved by the final action of the Administrative Officer, either by the Administrative Officer affirmatively denying an application under the provisions of this Section 405.527 or by the Administrative Officer's inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.
7. For any collocation to any certified historic structure as defined in Section 253.545, RSMo., as amended from time to time, the Administrative Officer shall have seventy-five (75) calendar days from the date of receipt of such an application to review the application in accordance with Subsection (B)(3), (4) and (5), except that the Administrative Officer shall hold a public hearing on the application.
 - a. The Administrative Officer shall send, via regular mail, to the

applicant(s), all the fee owners of the real property to be affected and their agents, if any, notice of such hearing. Such notice shall be mailed at least ten (10) days prior to the date of the hearing and contain the name of the applicant, the application number and the time and place of the hearing.

**Section 405.528. Variance For Wireless Support Structures Or Wireless Facilities.
[Ord. No. 6184 § 6, 7-24-2014; Ord. No. 6195 § 10, 8-14-2014]**

A. A Request For A Variance.

1. Notwithstanding the provisions of Article XI of Chapter 405 to the contrary, when an applicant requests some variation in the requirements of Chapter 405 of the Municipal Code of the City of St. Peters in order to construct a new wireless support structure or for a substantial modification of a wireless support structure, and where the strict application of Chapter 405 would involve undue hardship, the applicant may request a variance pursuant to this Section 405.528.
2. In reviewing a requested variance under this Section 405.528, the Board of Adjustment may consider, but is not limited to, the following questions:
 - a. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance he/she is requesting), will he/she not be able to get a reasonable return from, or make reasonable use of the property?
 - b. Does the hardship result from the strict application of these regulations?
 - c. Is the hardship suffered by the property in question?
 - d. Is the hardship the result of the applicant's own action?
 - e. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?
 - f. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?
 - g. If denial of the variance will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II)?

- B. New Wireless Support Structure Or Substantial Modification Of A Wireless Support Structure.** An application for some variation in the requirements of Chapter 405 of the Municipal Code of the City of St. Peters to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the Administrative Officer. Each application shall be filed with the Administrative Officer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the Board of Adjustment. The application shall be accompanied by the fee set forth in the Schedule of Permits, Inspections and Plan Review Fees, as set forth in Appendix A to Title IV, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.

1. An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the Administrative Officer and shall contain or be submitted concurrently with the following information:
 - a. A legal description of the real property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
 - b. Acreage of the real property to be affected;
 - c. A scaled map of such property, correlated with the legal description and clearly showing the real property's location;
 - d. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
 - e. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
 - f. Date of filing with the Administrative Officer;
 - g. The present zoning for the real property;
 - h. The existing use(s) and the proposed use(s) of such real property;
 - i. The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means;
 - j. A concept plan indicating the following:
 - (1) Building(s) outline;
 - (2) Curb cuts;
 - (3) Boundaries of the subject real property;
 - (4) Adjacent or connecting streets and their names;
 - (5) Other items as deemed necessary by the Administrative Officer which may include but are not necessarily limited to:
 - (a) Floor area.
 - (b) Parking areas and parking calculations.
 - (c) Cross access easements with adjacent parcels, if applicable.
 - (d) Site features, including light standards, trash enclosures,

fencing.

- (e) General location of landscaping,
- (f) Front, rear and side yard setbacks.
- k. A site plan in compliance with Section 405.460(D) may be submitted in lieu of a concept plan;
- l. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;
- m. Documentation evaluating how the wireless support structure will be landscaped or how views of the wireless support structure will be screened;
- n. The type of wireless facilities, infrastructure or technology to be used by the applicant; and
- o. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. Procedure.

1. Within one hundred twenty (120) calendar days of receiving an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the Board of Adjustment shall:
 - a. Review the application in light of its conformity with this Section 405.528:
 - (1) An application is deemed to be complete unless the Administrative Officer notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
 - (2) Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed by the Board of Adjustment within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days

to cure the specific deficiencies, the one-hundred-twenty-calendar-day deadline for the Board of Adjustment to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.

- b. Make its final decision to approve or disapprove the application;
 - c. Make findings of fact as to whether or not the standards described this Section 405.528 have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Board of Adjustment shall either:
 - (1) Postpone consideration of the application because the application is incomplete;
 - (2) Approve the application;
 - (3) Approve the application with conditions; or
 - (4) Deny the application.
 - d. And; advise the applicant in writing of its final decision.
- 2. If the Board of Adjustment fails to act on an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one-hundred-twenty-calendar-day review period, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the variance shall be deemed approved.
 - 3. The Administrative Officer shall cause notice of a hearing before the Board of Adjustment to be published in a newspaper of general circulation in the City at least one (1) week prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing and shall send three (3) notices of the public hearing by regular mail to the property owners within two hundred (200) feet of the property involved in the variance.

Section 405.530. Adult-Oriented Businesses. [R.O. 2007 § 405.530; Ord. No. 1523 § 6.3000, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 5563 § 10, 3-24-2011]

- A. Adult-oriented businesses, including businesses limited to twenty-five percent (25%) of the general sales area, shall be limited to the following:
 - 1. Such businesses shall not be located within one thousand (1,000) feet of a residential use, churches, schools, day care facility, public library, public park or another adult-oriented business. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the adult-oriented business to the closest portion of the parcel containing the pre-existing primary or secondary school, house of worship, State-licensed day care facility, public library, public park, residence, or other adult-oriented business.

2. Such business shall be subject to occasional inspections to ensure compliance with ordinance standards.

Section 405.535. Crime Prevention Through Environmental Design (CPTED).

[R.O. 2007 § 405.535; Ord. No. 1523 § 6.3100, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3775 § 1, 1-27-2003]

- A. Site plan and building design shall incorporate standard CPTED design principles to improve the overall safety of the built environment and discourage potential criminal activity. Such design elements shall be balanced with other site/building plan design factors such as aesthetics and conflict with standard Engineering/Building Codes.
- B. Design features shall include, but not be limited to, creating natural surveillance, controlling access, and territorial reinforcements. Such goals shall be accomplished through property building/structure location and orientations, parking lot placement, general lighting, landscaping, fencing, security cameras and other applicable site design features.

Section 405.536. Renewable Energy. [Ord. No. 5756 § 15, 5-24-2012]

- A. Purpose. The purpose of this Section is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City of St. Peters finds these regulations are necessary to ensure that renewable energy systems are appropriately designed, sited, and installed.
- B. Solar Panel General Requirements. The provisions of this Section shall apply to the construction and/or installation of all roof and ground mounted solar panels:
 1. All accessory solar panel installations shall provide documentation to the Planning Department verifying compliance with the renewable energy requirements.
 2. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways per Section 405.550(C)(3) of the City Code.
 3. All power transmission lines from a structure or ground mounted solar energy system to any building, structure, or utility pole/line shall be located underground.
 4. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, reflectors, balloons, flags, banners or similar materials. The manufacturer's and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided that the signage is not for advertising purposes.
 5. If a renewable energy system has been abandoned (meaning not having been in operation for a period of ninety (90) days) or is defective or is deemed to be unsafe by the Building Code Official, the renewable energy system shall be required to be repaired by the owner to meet Federal, State and local safety

standards, or be removed by the property owner within ninety (90) days. If the owner fails to remove or repair the defective or abandoned solar energy system, the City may pursue a legal action to have the system removed at the owner's expense.

C. Solar Panel Accessory Use.

1. Roof-mounted solar panels are permitted in all zoning districts as an accessory use to the principal use of the property.
 - a. Solar panels shall be permitted on any pitched roof if the panels are mounted flush or parallel to the roof plane. Parallel mounting shall be placed no more than eight (8) inches higher than the roof surface.
 - b. No part of the solar panel shall extend beyond the edge of the roof, unless approved by the Planning Department as an architectural feature such as, but not limited to, an awning feature that is integrated and compatible with the design of the building.
 - c. A solar panel shall be permitted to project away from a flat roof if the solar panels are screened on all four (4) sides from all adjacent streets or properties with a material that matches or complements the architecture of the building.
 - d. Building-integrated solar panels may be incorporated into any structure subject to the architectural review criteria of the City Code.
2. Ground-mounted solar panels are permitted in all zoning districts as an accessory use to the principal use of the property.
 - a. Ground-mounted solar panels and associated mechanical or electrical equipment shall comply with all building setback and lot coverage requirements for the zoning district in which the property is located.
 - b. Ground-mounted solar panels may not exceed three (3) feet in height.
 - c. The area underneath the ground-mounted solar panels shall be well maintained with the installation of mulch, landscaping rocks, or other attractive materials.
 - d. If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.

D. Wind Turbine Systems — General Requirements. The provisions of this Section shall apply to the construction and/or installation of all wind turbine systems:

1. Wind turbines shall comply with all building setback and lot coverage requirements for the zoning district in which the property is located. Setback and height limitations shall be as set forth in the required special use permit.
2. Building-mounted wind turbines are not permitted.
3. Wind turbine towers shall be a monopole design unless otherwise approved by

the Planning and Zoning Commission.

4. All power transmission lines from a wind turbine system to any building, structure, or utility pole/line shall be located underground.
5. All wind turbines shall be constructed, operated, and maintained according to best management practices including, but not limited to, an internal governor or braking device which engages at a manufacturer-specified wind speed intended to ensure the safe operation of the system in all wind conditions.
6. Wind turbines shall not be illuminated by artificial means, except where the illumination is specifically required by the Federal Aviation Administration or other Federal, State, or local regulations.
7. Wind turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the area in which it is located.
8. Noise emitted from a wind turbine shall not exceed the noise standards as established by City Code except wind turbines adjacent to property used or zoned residential shall not exceed thirty-five (35) dBA at the property line.
9. Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. "Significant shadow flicker" shall be defined as more than thirty (30) hours per year on abutting occupied building.
10. Wind turbines shall not interfere with off-site electronic devices such as, but not limited to, radio, television, and communication devices.
11. A wind turbine shall not be used to display advertising, including signage, streamers, pennants, reflectors, balloons, flags, banners or similar materials. The manufacturer's and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided that the signage is not for advertising purposes.
12. The minimum distance between the ground and any part of the rotor blade system shall be a minimum of fifteen (15) feet, unless otherwise approved by the Planning Department.
13. Wind turbines shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the surrounding grade or such step bolts or ladder is protected from access by a locked panel.
14. If a renewable energy system has been abandoned (meaning not having been in operation for a period of ninety (90) days) or is defective or is deemed to be unsafe by the Building Code Official, the renewable energy system shall be required to be repaired by the owner to meet Federal, State and local safety standards, or be removed by the property owner within ninety (90) days. If the owner fails to remove or repair the defective or abandoned solar energy system, the City may pursue a legal action to have the system removed at the owner's expense.

ARTICLE VII
Off-Street Parking and Loading Regulations

Section 405.540. Purpose. [R.O. 2007 § 405.540; Ord. No. 1523 §§ 7.0000 — 7.0100, 5-11-1989]

The purpose of this Article is to alleviate or prevent congestion of the public streets in the City of St. Peters and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which the property is put. Specifically, it is intended for all such uses to have adequate on-site parking and loading facilities. In any event, no public street or portions thereof shall be utilized to meet said off-street parking and loading provisions.

Section 405.545. General Off-Street Parking And Loading Regulations — Scope. [R.O. 2007 § 405.545; Ord. No. 1523 §§ 7.0200 — 7.0201, 5-11-1989; Ord. No. 5563 § 11, 3-24-2011]

- A. For all buildings and structures erected and all uses of land established after the effective date of this Chapter, parking and loading facilities shall be provided as specified herein.
- B. Whenever the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, seating capacity or other units of measurement described herein, parking and loading facilities as required in this Article shall be provided for such increase in intensity of use.
- C. Whenever the existing use of a building or structure shall hereinafter be changed to a new use as to increase the required parking and loading facilities in accordance with the requirements of this Article, the specified number of parking or loading spaces shall be provided for such new use in full compliance with this Article.
- D. For any conforming or legally non-conforming building or use which was in existence on the effective date of this Chapter, and which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required in this Section for such reconstructed or re-established building or use except as noted in item (E) below.
- E. Parking for each use shall be provided per the requirements of this Chapter. However, when required parking does not adequately accommodate the needs of the user, the user may be mandated to modify the use or acquire off-site parking to supplement the on-site parking.

Section 405.550. Off-Street Parking. [R.O. 2007 § 405.550; Ord. No. 1523 §§ 7.0300 — 7.0310, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3082 § 1, 8-12-1999; Ord. No. 3159 § 1, 12-16-1999; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3451 § 1, 5-24-2001;

Ord. No. 3530 § 1, 9-27-2001; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3701 § 1, 9-12-2002; Ord. No. 3775 § 1, 1-27-2003; Ord. No. 3781 § 1, 2-20-2003; Ord. No. 4297 § 1, 6-9-2005; Ord. No. 4723 § 1, 1-26-2007; Ord. No. 5132 § 17, 1-8-2009; Ord. No. 5742 § 18, 4-30-2012; Ord. No. 5937 § 1, 6-27-2013]

- A. Computation. When the determination of the number of off-street parking spaces required by this Section results in a requirement of a fractional space of one-half (1/2) or less, the extra space may be disregarded.
- B. Location. The location of off-street parking facilities in relation to the use served shall be as prescribed herein. All distances specified shall be walking distances between such parking facilities and the use served.
 - 1. Residential Districts. All required off-street parking for uses permitted in residential districts shall be on the same lot as the uses served.
 - 2. Non-Residential Districts. All required off-street parking for permitted uses in districts other than residential shall be on the same lot as the uses served or on an adjacent lot when a cross access parking agreement is established. The number of spaces permitted on the adjacent lot shall not exceed twenty-five percent (25%) of the total required parking spaces. Also spaces must be located no more than three hundred (300) feet from the building served.
- C. Lighting.
 - 1. Parking lots and walkways shall be illuminated to provide for the safe use thereof; lighting studies shall be provided as needed to provide evidence of adequate lighting or to verify compliance with item (2) below regarding no light spillage or glare. Exterior lighting shall be provided throughout the development to promote general security.
 - 2. All lighting in all zoning districts shall be designed so that the light from a property does not reflect directly, spill over onto, or glare onto adjacent properties. Lighting on non-adjacent properties shall not glare or shine so as to create a nuisance on nearby properties and shall be screened, redirected or otherwise mitigated if a direct glare is evident. **[Ord. No. 6249 § 21, 10-23-2014]**
 - 3. Lighting from any development shall not cause glare on adjacent roadways or in any way cause hazardous conditions. Lighting on non-adjacent properties shall not glare or shine so as to create a nuisance on nearby properties and shall be screened, redirected or otherwise mitigated if a direct glare is evident.
 - 4. Lighting arrangements shall be as approved by the City Engineer or an authorized representative.
 - 5. All exterior on-site light fixtures shall be downcast shadowbox style or low wattage decorative fixtures unless otherwise approved by the Administrative Officer.
- D. Screening And Landscaping. Section 405.390 "Landscaping and Screening".

E. Floor Area, Gross (GFA) For Determining Off-Street Parking And Loading Requirements.

1. "Floor Area" is the sum of the gross horizontal areas of the several floors of a building or structure measured from the interior faces of the interior walls or from the linear line of walls separating two (2) buildings or structures, including the following:
 - a. Floor area of the basement if it is used for other than storage except as required for as a washroom.
 - b. Penthouses, other than that area used for mechanical equipment.
 - c. Attics having headroom of seven (7) feet or more.
 - d. Interior balconies and mezzanines.
 - e. Enclosed porches.
 - f. Accessory storage areas located within retail facilities which are used to store items for sale and/or inventory/stock. Areas such as counters, racks, or other display areas shall not be considered accessory storage.
 - g. Space devoted to retailing activities, to the production of goods, or to business or professional offices.
2. The "floor area" shall not include:
 - a. Elevator shafts and stairwells on each floor.
 - b. Floor spaces and shafts used for mechanical telephone and electrical equipment.
 - c. Attics having headroom of less than seven (7) feet.
 - d. Areas used for storage except as required by Subsection (E)(1)(f) above.
 - e. Space devoted to off-street parking or loading facilities.
 - f. Entrance lobbies and atrium-type areas.
 - g. Washrooms, intended for general public use.
 - h. Storage areas for business related materials not including items for sale and/or inventory/stock.

F. Striping.

1. All off-street parking shall be properly marked by durable paint in stripes a minimum of four (4) inches wide which extend the length of the parking space.
2. Double striping may be approved by the Administrative Officer.
3. In the case of double striping the distance between the two (2) stripes comprising the double striping shall be twelve (12) inches from the center to center. The vehicular space width of nine (9) feet, or twelve (12) feet for

handicapped spaces, shall be measured between the midpoint of each double striped pair.

4. Crosswalks connecting parking spaces and non-residential buildings may be required on the site development plan.

G. Construction Standards (Drive Aisles And Parking).

1. All ground level off-street drive aisles and parking shall be constructed to City of St. Peters' standards. Said drive aisles and parking, including access drives to parking spaces within residential districts, shall be paved and maintained in a clean, orderly and dust-free condition. **[Ord. No. 7192, 8-22-2019]**
2. Approved construction materials shall include concrete, asphaltic concrete, brick/stone pavers, or other materials of equal quality as approved by the City Engineer.
3. The parking and loading areas shall be provided with adequate stormwater drainage to prevent damage or inconvenience to abutting property and/or public streets as directed by the Director of Engineering. A reduction in the required number of parking spaces may be approved by the City Engineer to facilitate stormwater management.
4. Concrete curbing shall be provided and shown on the site development plan along drive aisles and along the entire perimeter of every parking lot, island and other areas associated with parking except for actual driveways, walkways and approved storm drain openings unless otherwise waived by the Director of Engineering for the purposes of storm water management. The City Administrator may authorize perma curb in lieu of concrete curbing if just cause is shown.

H. Parking Access. Parking access shall be designed allowing for a safe and efficient means of vehicular access to and from a street or alley. No head-in parking shall be permitted from any public right-of-way. One (1) driveway from each residential property shall be permitted. **[Ord. No. 6249 § 21, 10-23-2014]**

I. Size. Off-street parking spaces shall be designed and sized to accommodate standard size automobiles in accordance with standards contained herein.

1. Standard Size Automobiles. Off-street parking spaces for standard size automobiles shall be designed as follows:

| A | B | C | D | E | F | G |
|-----|-----|-------|------|------|------|------|
| 30° | 9.0 | 17.25 | 12.0 | 18.0 | 46.5 | 38.7 |
| 45° | 9.0 | 20.8 | 13.0 | 12.7 | 54.3 | 47.9 |
| 60° | 9.0 | 21.0 | 18.0 | 10.5 | 60.0 | 55.5 |
| 90° | 9.0 | 19.0 | 24.0 | 9.0 | 62.0 | — |

| KEY | |
|--|--|
| A Parking Angle | E Curb Length Per Car (feet) |
| B Stall Width (feet) | F Curb to Curb (feet) |
| C 19 foot minimum stall to curb | G Center to Center Width of Double Row |
| D Aisle Width (feet) With Aisle Between (feet) | |
| Curbed islands are required at ends of aisles where necessary for traffic control and/or drainage. | |

- a. Parallel parking spaces shall be at least twenty-four (24) feet in length.
 - b. The minimum one-way aisle shall be twelve (12) feet.
 - c. The minimum two-way drive aisle shall be twenty-four (24) feet.
2. In the event that the desired parking angle is not specified by the previous table, the Administrative Officer may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table. The Planning and Zoning Commission will review and approve those dimensions which differ from those listed in the table.

J. Handicapped Spaces.

1. Accessible parking spaces shall be required as per this Section. Each space shall be inclusive of the off-street space requirements specified in this Chapter and shall be marked by an above grade sign in compliance with the Missouri Revised Statutes. Said sign shall be centered at the interior end of the parking spaces a minimum height of sixty (60) inches from the bottom of the sign to the parking space finished grade. Accessible parking spaces shall be provided as follows:

| Accessible Parking Spaces | |
|------------------------------------|---|
| Total Parking Spaces in Lot | Required Number of Accessible Spaces |
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |

| Accessible Parking Spaces | |
|------------------------------------|---|
| Total Parking Spaces in Lot | Required Number of Accessible Spaces |
| 501 to 1,000 | 2% of total |
| over 1,000+ | 20 plus 1 for each 100, or fraction thereof, over 1,000 |

2. Each accessible parking space shall be eight (8) feet wide with an adjacent five (5) foot wide aisle. Aisles may be shared by two (2) spaces. However, van accessible parking spaces shall be a minimum of eight (8) feet wide adjacent to an access aisle a minimum of eight (8) feet wide and shall be designated by a sign stipulating the space is Lift Van Accessible Only and shall be provided in accordance with the following chart:

| Required Number of Accessible Parking Spaces | Required Van Accessible Spaces |
|---|---------------------------------------|
| 1 — 4 | 1 |
| 5 — 8 | 2 |
| 9 — 12 | 3 |
| 13 — 16 | 4 |
| 17+ | 1 additional space for every 4 spaces |

- K. **Parking Of Vehicles For Sale.** Vehicles for sale shall be parked only at facilities approved for vehicle sales. Vehicles for sale may be parked in other commercial areas for a maximum of ten (10) hours and only when the vehicle is used for transportation purposes to that commercial destination.

Section 405.555. Schedule Of Off-Street Parking Requirements. [R.O. 2007 § 405.555; Ord. No. 1523 § 7.0400, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 5132 § 18 1-8-2009; Ord. No. 5563 § 12, 3-24-2011; Ord. No. 5742 § 19, 4-30-2012; Ord. No. 6865, 11-9-2017]

Except as otherwise provided in this Chapter, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter is converted, off-street parking spaces shall be provided. Employee parking shall be calculated according to the maximum number of employees available on any given workshift. Employee parking shall be inclusive of the number of spaces required unless otherwise specified.

| SCHEDULE OF OFF-STREET PARKING REQUIREMENTS | |
|--|---|
| Residential and Related Uses: | |
| Elderly Housing | 1 space per every 2 dwelling units |
| Group Living Facilities | 1 space per 2 residents, plus 1 space for a caretaker vehicle |

| SCHEDULE OF OFF-STREET PARKING REQUIREMENTS | |
|--|---|
| Hotels and Motels | 1 space per every room or unit, plus 1 space per employee on the maximum shift, plus 1 space for each vehicle used in the operation |
| Single-Family Residences | 2 spaces per unit |
| Two-Family Units/Duplexes | 2 spaces per unit |
| Multiple-Family Units | |
| 1 bedroom units | 1.5 spaces per unit |
| 2 or more units | 2 spaces per unit |
| Nursing Homes | 2 spaces per every 5 beds .5 spaces per every employee on the maximum shift 1 space for every vehicle used in the operation of the facility |
| Retail And Service Uses: | |
| Animal Hospital/Clinic/Kennel | 3 spaces per 1,000 square feet of gross floor area |
| Automobile Repair and Auto Diagnostic Shops | 5 spaces per 1,000 square feet of gross floor area (each service bay is considered 1 space) |
| Automobile Sales | 3 spaces per 1,000 square feet of gross floor area, plus 1 space per every 2,000 square feet of gross land area |
| Automobile Service Stations Including Gas Pumps | 1 space for each gas pump, plus 2 spaces for each service bay or similar facility, plus 1 space for every 1.5 employees, plus 1 space for every vehicle customarily used in the operation |
| Banks/Credits Unions | 4.5 spaces per every 1,000 square feet of gross floor area; stacking space for 3 automobiles for each drive-through window |
| Barber/Beauty Shops | 3 spaces per every chair or stall |
| Bookstores | 5 spaces per 1,000 square feet of gross floor area |
| Bowling Alleys | 5 spaces per alley |
| Bars or Taverns | 1 space per every 4 persons of maximum occupancy |
| Car Wash | Line up area equal to 5 parking spaces (approximately 100 feet) |
| Day Care Facilities | 1 space per every 10 children, plus 1 space per employee |
| Grocery Stores | 5 spaces per 1,000 square feet of gross floor area |

| SCHEDULE OF OFF-STREET PARKING REQUIREMENTS | |
|---|---|
| Home Improvement and Hardware Stores | 5 spaces per 1,000 square feet of gross floor area |
| Health Club | 3 spaces per 1,000 square feet of gross floor area |
| Dry Cleaners/Laundromats | 5 spaces per 1,000 square feet of gross floor area |
| Mortuaries | 1 space for every 4 seats, plus 1 space for every 250 square feet of gross floor area (public space only) |
| Movie Theaters | 1 space per every 4 seats |
| Restaurants | |
| Fast food restaurants including drive-through facilities | 10 spaces per 1,000 square feet of gross floor area |
| Sit down restaurants (no drive-through/ no bar) | 1 space for every 4 seats of total seating capacity; 2 spaces for every 3 employees |
| Sit down restaurants (high quality including bar) | 1 space for every 4 seats of total seating capacity; 2 spaces per every 3 employees; 1 space for every 2 seats in the bar |
| Retail, low demand such as wallpaper stores, furniture stores, paint stores, etc. | 3 spaces for every 1,000 square feet of gross floor area |
| Retail not mentioned herein | 4 spaces per 1,000 square feet of gross floor area |
| Self-Storage Warehousing | 1 space per 1,000 square feet of office area; parking for each storage unit shall be permitted in front of each unit for the purposes of loading and unloading |
| Shopping Centers (multiple tenant) | 5 spaces per 1,000 square feet of gross floor area |
| Video Stores | 5 spaces per 1,000 square feet of gross floor area |
| Offices: | |
| Office Buildings, general | 3.3 spaces per 1,000 square feet of gross floor area |
| Medical Offices, including Dental Offices | 4 spaces per 1,000 square feet of gross floor area |
| Industrial Uses: | |
| General Manufacturing | 1 space per 1,000 square feet of gross floor area |
| Warehousing, Distribution, and Wholesale Facilities | .5 spaces per 1,000 square feet of gross floor area |
| Institutional Uses: | |

| SCHEDULE OF OFF-STREET PARKING REQUIREMENTS | |
|---|--|
| Civic, Social Service, or Fraternal Organization Facilities | 1 space per 250 square feet of gross floor area |
| Hospitals | 1 space per bed, plus .5 space per every employee on the maximum shift |
| Churches | 1 space per every 4 seats, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises |
| Fire Stations | 1 space for every vehicle customarily used in operation of the use or stored on the premises, plus 1 space for every employee on the maximum shift |
| Schools, public and private, all grades | 1 space for every classroom and 1 space for every 4 students over 16 years of age, plus 1 space for every employee on the maximum shift |

Section 405.560. General Off-Street Parking Interpretations. [R.O. 2007 § 405.560; Ord. No. 1523 §§ 7.0500 — 7.0502, 5-11-1989]

- A. The Planning and Zoning Commission may upon recommendation by the Administrative Officer prescribe the following:
1. In any development under six hundred thousand (600,000) square feet of gross leasable floor area, the combined total number of parking spaces required for such a development may be reduced up to twenty percent (20%). Development over six hundred thousand (600,000) square feet of gross leasable floor area shall be evaluated on a case-by-case basis but in no case shall exceed a forty percent (40%) reduction. The party or individual requesting such reduction must document that it will not be detrimental to the development plan in question or to the City. **[Ord. No. 6865, 11-9-2017]**
 2. Require the developer to double-stripe (mark) the stalls as specified in Article VII, "Off-Street Parking and Loading Regulations".
- B. When benches, pews or other seating arrangements are provided in a place of public assembly, each twenty (20) lineal inches of such seating facilities shall be counted as one (1) seat. Except that where specifications and plans filed with the Engineering Department specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for the required parking space.

Section 405.565. Off-Street Loading. [R.O. 2007 § 405.565; Ord. No. 1523 §§ 7.0600 — 7.0610, 5-11-1989]

- A. Location. All off-street loading spaces shall be located on the same zoning lot as the use served. No loading berth for vehicles over eight thousand (8,000) pounds gross vehicular weight shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls or solid-fence or wall, or combination thereof, not less than ten (10) feet in height. No loading berth

shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

- B. **Size (Minimum).** Unless otherwise specified, a required loading space shall be at least twelve (12) feet in width and at least fifty (50) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of fourteen (14) feet.
- C. **Access.** Each off-street loading space shall be designed with appropriate and safe means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Said access shall be approved upon review of the Planning and Zoning Commission.
- D. **Repair And Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any zoning district.
- E. **Drainage And Maintenance.** Off-street loading facilities shall be drained to eliminate water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in accordance with City specifications. Off-street loading areas shall be maintained in a clean, orderly, and dust-free condition by the owner or lessee.
- F. **Restricted Parking.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- G. **Surfacing.** All open, off-street loading berths shall be improved with the standards established by the City of St. Peters.
- H. **Below Minimum Floor Area.** Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum for which facilities are required shall be provided with adequate receiving facilities as determined upon review by the Planning and Zoning Commission.
- I. **Special Use And Conditions.** For special uses and uses other than specified in this Chapter, loading spaces, adequate in number and size to serve such use shall be determined upon review by the Planning and Zoning Commission. In any case, the Commission, upon recommendation by the Engineering Department, may eliminate or reduce the full provision of loading facilities where application of said provision is either impractical under certain conditions or unnecessary due to the nature of such uses.
- J. **Loading Spaces Required.** For the uses listed in the following table, off-street loading shall be provided on the basis of gross floor area of the building or portions thereof devoted to such uses in the amounts shown herein.

| Floor Area | |
|---|--------------------------------|
| In Square Feet | Loading Spaces Required |
| 1. Commercial, office, and industrial uses: | |
| to 2,999 | upon review |

| Floor Area In Square Feet | Loading Spaces Required |
|--|--------------------------------|
| 3,000 — 19,999 | 1 |
| 20,000 — 49,999 | 2 |
| 50,000 — 100,000 | 3 |
| above 100,000 | upon review |
| 2. Hospitals, institutions and similar uses: | |
| to 9,999 | upon review |
| 10,000 — 49,999 | 1 |
| 50,000 — 100,000 | 2 |
| above 100,000 | upon review |

ARTICLE VIII
Subdivision Regulations

Section 405.570. General Provisions — Compliance With Regulations. [R.O. 2007 § 405.570; Ord. No. 1523 §§ 8.0100 — 8.0101, 5-11-1989]

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this regulation shall be subject to the penalties provided in Article XII, Section 405.815 of this Chapter.

Section 405.575. Preliminary Plat Or Site Plan. [R.O. 2007 § 405.575; Ord. No. 1523 §§ 8.0102 — 8.0106, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2868 § 1, 7-9-1998; Ord. No. 3159 § 1, 12-16-1999; Ord. No. 4266 § 2, 4-28-2005; Ord. No. 5132 § 16, 1-8-2009]

A. Filing Fee.

1. To defray partially the costs of notification and administration procedures, there shall be paid to the Administrative Officer or his/her designee, at the time of submission of a preliminary plat or site plan, a fee in the following amount:
 - a. At the time of submittal of a preliminary plat or site plan, a fee shall be paid to the City of St. Peters according to the fee schedule in Appendix A to this Title.
 - b. At the time of submittal of a record plat, a fee shall be paid to the City of St. Peters according to the fee schedule in Appendix A to this Title.
2. No action of the Planning and Zoning Commission or Mayor and Board of Aldermen shall be valid until the fee has been paid to the Administrative Officer or his/her designee. This fee will be charged on all plats, regardless of the action taken, whether plat is approved or disapproved. Any resubmittal of a revised plat involving a review by the Planning and Zoning Commission will be subject to the same fee procedure as outlined above.

B. Approval.

1. No plat of a subdivision shall be recorded or land development started, excluding location of utilities, soil testing, core sampling, or surveying unless approval for same is granted by the City Engineer, or until the preliminary plat has been submitted to and approved by the Planning and Zoning Commission in accordance with the regulations set forth in these regulations and so certified by the City Clerk.
2. The preliminary plat shall include, at a minimum, all contiguous property for which a developer or land owner are the fee simple owner or owner under contract.

C. Prepared By Registered Land Surveyor. Every plat shall be prepared by a registered land surveyor duly licensed by the State, who shall endorse upon each plat a certificate signed by him/her setting forth the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of the title,

and shall cause his/her seal to be affixed on the face of the plat.

- D. Required Statement. Every plat or the deed of dedication to which such plat is attached, shall contain, in addition to the registered land surveyor's certificate, a statement to the effect that "The above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat in question, is with free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any, shall be duly acknowledged, before some officer authorized to take acknowledgements, of deeds and when then executed and acknowledged, shall be filed and recorded in the office of the Recorder of Deeds of the County and indexed under the names of the owners of the lands signing such statement and under the name of the subdivision".
- E. Use Of Unapproved Plat In Sale Of Land — Penalty — Vacation Or Injunction Of Transfer. No owner, or agent of the owner, of any land located within the platting jurisdiction of any municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or Planning and Zoning Commission and recorded in the office of the appropriate County Recorder unless the owner or agent shall disclose in writing that such plat has not been approved by such Board of Aldermen or Planning and Zoning Commission and the sale is contingent upon the approval of such plat by such Board of Aldermen or Planning and Zoning Commission. Any person violating the provisions of this Subsection shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. A municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

Section 405.580. Improvement Plans. [R.O. 2007 § 405.580; Ord. No. 1523 § 8.0201, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996]

- A. Improvement plans, including the following, for improvements to be installed shall be prepared by a qualified registered professional engineer and submitted in accordance with the specifications of the City and/or City Engineer or his/her designated representative.
- B. Street Plans And Profiles.
 - 1. The centerline profile of each proposed street with tentative grades indicated.
 - 2. The cross-section of each proposed street, showing width of pavement, thickness and composition of materials, location of sidewalks, where required, and location and size of utility mains.
- C. Grading Plan And Sewer Plans And Profiles.
 - 1. A plan for the grading of the proposed development showing existing ground contours at intervals of five (5) feet or less and proposed contours at two (2) feet intervals.

2. The plans and profile of proposed sanitary sewers and stormwater sewers or storm drainage plans, with grade and size indicated. The drainage area contributing to the flow in each storm sewer shall be shown on a map and hydraulic calculations shall be provided for all sewers.
- D. Water Distribution Plan. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.
- E. Erosion Control Plan. An erosion control plan identifying specific control methods to be used during site development. The plan shall also include procedures to be implemented to prevent unacceptable levels of soil, rock, and gravel being deposited on existing public streets and/or property via construction traffic.
- F. Utility Plan. A plan of the proposed utility systems, including but not limited to, natural gas, electric, and telecommunication systems, showing sizes and location of such facilities.

Section 405.585. Public Improvements Installed Or Guaranteed. [R.O. 2007 § 405.585; Ord. No. 1523 § 8.0202, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2868 § 1, 7-9-1998; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3775 § 1, 1-27-2003; Ord. No. 5629 § 2, 8-11-2011]

Subdivision public improvements shall be constructed, installed, completed, dedicated, maintained, and guaranteed in the same manner as provided in Section 405.460(F).

Section 405.590. Permits Required. [R.O. 2007 § 405.590; Ord. No. 1523 § 8.0203, 5-11-1989; Ord. No. 2868 § 1, 7-9-1998; Ord. No. 3159 § 1, 12-16-1999; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 3191 § 1, 2-10-2000]

- A. Construction Permits. A construction permit will be required for facilities which are to be dedicated to the City, or for which the City must assume the ultimate responsibility of maintenance, namely:
 1. Grading;
 2. Sanitary sewers;
 3. Storm sewers and stormwater management facilities;
 4. Streets, including street lights and sidewalks; and
 5. Water lines.

The construction permit may be applied for in the Engineering Department at City Hall.

- B. Excavation Permits. An excavation permit is required for all excavations in new developments as well as previously developed areas of the City. These permits may be applied for in the Engineering Department at City Hall.
- C. Site Development Permits. A site development permit shall be required for any property developed in the City of St. Peters. The site development permit shall be

applied for to the Engineering Department at City Hall. At the time of permit issuance, a fee shall be paid to the City of St. Peters as stated in Appendix A of this Title IV.

Section 405.593. Excavation Near Pipelines. [Ord. No. 5006 § 1, 5-22-2008]

- A. For the purposes of this Section the following terms, certain words and terms are hereby defined as follows:

EXCAVATION — Any operation in which earth, rock or other material in or on the ground is moved, removed, or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, backfilling, grading, trenching, digging, ditching, drilling, well-drilling, augering, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures, except that, the use of mechanized tools and equipment to break and remove pavement and masonry down only to the depth of such pavement or masonry, the use of high-velocity air to disintegrate and suction to remove earth, rock and other materials, and the tilling of soil for agricultural or seeding purposes shall not be deemed excavation. Backfilling or moving earth on the ground in connection with other excavation operations at the same site shall not be deemed separate instances of excavation.

NOTIFICATION CENTER — A statewide organization, established pursuant to Sections 319.010 through 319.050, RSMo., as amended, operating twenty-four (24) hours a day, three hundred sixty-five (365) days a year on a not-for-profit basis, supported by its participants, or by more than one (1) operator of underground facilities, having as its principal purpose the statewide receipt and dissemination to participating owners and operators of underground facilities of information concerning intended excavation activities in the area where such owners and operators have underground facilities, and open to participation by any and all such owners and operators on a fair and uniform basis. Such notification center shall be governed by a board of directors elected by the membership and composed of representatives from each general membership group.

PERSON — Any individual, firm, joint venture, partnership, corporation, association or cooperative.

- B. It shall be unlawful for any person to perform any excavation, or to direct the performance of any excavation, within the corporate limits of the City of St. Peters within an area twenty-five (25) feet from the nearest existing marker identifying the location of a pipeline, running along the line of the easement for the pipeline identified by the marker and measured parallel to and from the location of the marker, or, if no marker is present, within fifty (50) feet from the nearest existing pipeline measured to and from the center of such pipeline easement without having first obtained a permit from the Engineering Department. Any permit required pursuant to this Section shall be requested from the Engineering Department at least two (2) working days, but not more than ten (10) working days, before performing any excavation.
1. The provisions of Subsection (B) shall not apply to any publicly owned or regulated utility which is repairing or replacing any of its facilities due to damage caused during an unexpected occurrence or when making an

excavation at times of emergency resulting from a sudden, unexpected occurrence, and presenting a clear and imminent danger demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. "Unexpected occurrence" includes, but is not limited to, thunderstorms, high winds, ice or snow storms, fires, floods, earthquakes, or other soil or geologic movements, riots, accidents, water pipe breaks, vandalism or sabotage which cause damage to surface or subsurface facilities requiring immediate repair. A public or regulated utility may proceed regarding such emergency, provided all reasonable precautions have been taken to protect the underground facilities. In any such case, the public or regulated utility shall give notification, substantially in compliance with Subsection (C), as soon as practical.

- C. It shall be unlawful for any person to perform any excavation, or to direct the performance of any excavation, requiring a permit pursuant to Subsection (B), above, without having first contacted the notification center in the manner provided in Sections 319.010 through 319.050, RSMo., as amended.

Section 405.595. Final Plat Requirements. [R.O. 2007 § 405.595; Ord. No. 1523 § 8.0204, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2868 § 1, 7-9-1998; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3781 § 1, 2-20-2003; Ord. No. 4237 § 2, 3-10-2005; Ord. No. 4300 § 1, 6-23-2005]

- A. The final (record) plat shall contain as a minimum:

1. Final Plat. Upon completion of all required improvements or of an escrow agreement for said improvements, the developer shall file with the Commission the final plat of the subdivision of lot. (The final plat may include all or any reasonably acceptable part of the approved preliminary plat, and completion of improvements, or the escrow agreement therefore need only cover that portion of the plat for which final approval is requested.)
2. Number Of Copies And Required Scale.
 - a. The applicant shall submit a sufficient number of prints as required by the Administrative Officer for all staff reviews and Planning and Zoning Commission reviews. The prints shall be black or blue line with all copies folded to an approximate size of eight and one-half (8 1/2) inches by eleven (11) inches".
 - b. After approval by the Board of Aldermen and prior to recording same, the applicant shall submit an original mylar (or similar durable material) of said plat for the necessary approval signatures from the City.
 - c. Two (2) copies of the record plat shall be provided to the Planning Department after approval by the City of St. Peters Board of Aldermen. The plat shall be drawn at a scale of one hundred (100) feet or less to the inch. Said scale shall be indicated on the plat graphically. The plat shall comply with all requirements of the St. Charles County Recorder of

Deeds. For all improvement plans, record plats, and as-built's prepared using computer assistance, a digital media copy of such information shall be submitted in a Microstation DGN or other computer readable format approved by the City Engineer to the Engineering Department prior to release mylar for recording. **[Ord. No. 7192, 8-22-2019]**

3. **Bearing — Distances.** True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them. The length of all arcs-radii, points of curvature and tangent bearings; all easements and right-of-way when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); all lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes. In addition, the outboundary of the subdivision shall be tied to the Missouri Coordinate System 1983 in accordance with the current Minimum Standards for Property Boundary Surveys 4CSR30-16 and its subsequent amendments and the coordinates of the controlling corners shall be shown on the plat.
4. **Monuments.** The accurate location and material of all permanent reference monuments.
5. **Lot And Block Numbers.** Lots shall be arranged in numerical order. The size of each lot shall be shown to the nearest square foot residential lots and nearest hundredths of an acre for commercial and industrial lots.
6. **Dedicated Property.** The accurate outline of all property which is offered for dedication for public use and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. Common land shall be conveyed by the owner in fee simple absolute title by warranty deed to trustees for the subdivision. All lands dedicated to public use shall be marked on each plat "Dedicated to the Public" and shall be accepted, in writing, by the Governing Body of the City by affixing the signature of the duly designated official on the plat. Also, the dedication script should include provisions for the use of telecommunication services.
7. **Surveyor's Certificate.** Affidavit or certificate by a qualified registered land surveyor to the effect that he/she has fully complied with the requirements of these regulations and the subdivided laws of the State of Missouri governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.
8. **Easements.** All easements, including standard utility perimeter easements, drainage easements, and cross-access easements, shall be shown on the record plat when applicable.

9. Approval Or Disapproval Of Final Plat.
 - a. The developer shall submit the final plat of the proposed subdivision which shall conform to the requirements as established within these subdivision regulations at least ten (10) working days prior to the regular meetings of the Planning and Zoning Commission at which the action is desired.
 - b. Within sixty (60) days after the submission of a plat to the Commission, the Commission shall recommend approval or disapproval of the plat, unless the developer agrees in writing to an extension of this time period; otherwise, the plat is deemed approved by the Commission.
 - c. The Planning and Zoning Commission shall forward the Board of Aldermen the Commission's recommendations pertaining to the proposed final plat. All plats shall be acted on by the Planning and Zoning Commission within sixty (60) days of plat submittal to the City.
 - d. The Board of Aldermen shall, upon the receipt of the recommendations by the Planning and Zoning Commission, approve or disapprove the proposed final plat.
 - e. Tracts and platted lots contained in previously approved record plats where some activity toward ultimate development has occurred in accordance with the zoning and subdivision regulations which were in effect at the time of approval of said plat by the City, and for which the City has issued a permit, may be developed as previously approved.
10. Tax Paid Certificate. Each plat requires a certification issued by the authorized City and County Officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, or any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on the property dedicated to public use.
11. If a record plat does not include all property in an approved preliminary plat or all remaining property where previous record plats of a portion of a subdivision have been recorded:
 - a. In a residential subdivision, no property may be omitted:
 - i. If a resulting tract is less than ten (10) acres in area or any resulting side of an omitted tract is less than three hundred (300) feet in length, unless such a side is the original boundary of the original legally-existing tract. Until subdivided, such omitted tract is a developable lot on which no more than one (1) residence may be constructed; or
 - ii. Unless the development is a Planned Urban Development (PUD), in which case the omitted property is not developable and does not constitute a lot of record for any purpose under the Zoning Code until included in a record plat.

- b. In a non-residential subdivision, omitted property is not developable and does not constitute a lot of record for any purpose under the Zoning Code until included in a record plat.
12. The plat must provide a note that all existing gas and/or hazardous liquid pipelines or pipeline facilities through the subdivision have been shown, or that there are no such existing pipeline facilities within the limits of the subdivision.

Section 405.600. Design Standards — Comprehensive Plan — Compliance. [R.O. 2007 § 405.600; Ord. No. 1523 §§ 8.0300 — 8.0301, 5-11-1989]

The subdivision layout shall conform to the official major street plan or other elements of the Comprehensive Plan. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare or other major or collector street so designated on said plan, such part of such public way shall be platted by the developer in the location and at the width indicated in the plan.

Section 405.605. Street And Block Layout. [R.O. 2007 § 405.605; Ord. No. 1523 § 8.0302, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 3159 § 1, 12-16-1999]

- A. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous and aesthetically pleasing development of the entire neighborhood, including adjoining areas. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
 1. Dead-End Streets. Dead-end streets of reasonable length (normally not over five hundred (500) feet) by may be approved where necessitated by topography or where, in the opinion of the Commission, they are appropriate for the type of development contemplated.
 2. Intersecting Streets. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. Four-way intersections shall be used for minor interior street wherever practicable and not in conflict with other applicable design principles and standards. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 3. Half-Width Street. Wherever there abuts the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted such that the ultimate right-of-way conforms to the minimum standards included herein.
 4. Block Widths. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except in the case of reversed frontages.
 5. Block Length. The length of blocks shall be such as may be appropriate, in the opinion of the Planning and Zoning Commission, for the locality and the type of development contemplated, but shall generally not exceed one thousand four hundred (1,400) feet where the average size of lots does not exceed two (2) acres in area.

6. Access.

- a. Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress to and from such lot, and to provide adequately for the layout of utilities, garbage and waste removal, fire and Police protection, and other services, and to protect and further the public health and safety generally.
 - b. Commercial and industrial developments shall not be directly accessed via a street from areas zoned "R-1", "R-1(A)", "R-2", "R-3(A)", "R-3(B)" or "R-M", unless special circumstances exist as may be determined by the City Engineer.
7. Curb Cuts. The location of all curb cuts, driveways, entrances, or other street access points within City rights-of-way shall be as reviewed and approved by the City Engineer. Proposed curb cuts, driveways, entrances, or other street access points shall be indicated on a site development plan or plot plan. The fee for curb cuts, driveways, entrances, or other street access points review shall be paid to the City of St. Peters as stated in Appendix A of this Title IV.

Section 405.610. Street Standards. [R.O. 2007 § 405.610; Ord. No. 1523 § 8.0303, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2778 § 1, 12-11-1997; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3370 § 1, 1-11-2001; Ord. No. 3648 § 1, 5-9-2002]

- A. Generally. All streets constructed in and along subdivisions shall be rigid pavement constructed in accordance with the City of St. Peters, Missouri Design Criteria and Standard Specifications for Street Construction.
- B. Alleys. Alleys, where platted, shall have a minimum width of twenty (20) feet.
- C. Deviations. Deviations from the standards may be warranted. All requests which result in a decrease in pavement requirements must be presented to the City Engineer in writing for consideration and subsequent approval or denial by the City Engineer.
- D. All developers/builders shall be responsible for the repair of newly constructed City streets under all classifications of same regardless of type of pavement used, and constructed under the above criteria as set forth herein, for a period of time not to exceed twelve (12) calendar months, beginning on the first day of dedication and acceptance of said streets by the City of St. Peters. Said warranty/guarantee shall be either in the form of ten percent (10%) escrow, maintenance bond, or in an irrevocable letter of credit in an amount equal to same.
- E. Traffic shall be prohibited from traveling on newly constructed concrete streets for a minimum of seven (7) days following construction.
- F. Backfilling of curbs shall be completed within ten (10) days after completion of initial construction of streets.
- G. The City Engineer is authorized to promulgate rules and regulations, design criteria and standard specifications not inconsistent with the street standards herein

contained.

H. Temporary Turnaround.

1. All dead-end streets shall terminate in a circular turnaround having minimum right-of-way diameter of one hundred (100) feet.
2. Turnarounds shall not be required on dead-end streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future.

Section 405.615. Utility Easements. [R.O. 2007 § 405.615; Ord. No. 1523 § 8.0304, 5-11-1989]

Utility easements, where required, shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Easements five (5) feet in width may be allowed for underground cable installations.

Section 405.620. Lot Dimensions, Shapes And Position. [R.O. 2007 § 405.620; Ord. No. 1523 § 8.0305, 5-11-1989; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 4237 § 3, 3-10-2005]

- A. The size, shape and orientation of lots shall be appropriate for the location and physical character of the proposed subdivision, and for the type of development contemplated in compliance with the applicable zoning ordinance or regulations.
1. Depth. Excessive depth in relation to width shall be avoided. (A proportion of 1 to 1 and 2 to 1 will normally be considered appropriate, except in the case of narrow lots).
 2. Street Access. Every lot shall abut onto a street unless approved by the Planning and Zoning Commission and Board of Aldermen.
 3. Width. Lots of residential purposes shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements of the applicable zoning ordinance or regulations and still be adequate for a building or practicable width.
 4. Double-Frontage. Except as otherwise provided herein, double-frontage lots and reversed frontage lots shall be avoided.
 5. Side Lot Lines. Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.
 6. Corner Lots. Corner lots for residential use shall be platted wider than interior lots to permit compliance with the yard and setback requirements for the applicable zoning ordinance.
 7. Minimum Lot Size. Where not otherwise determined by applicable zoning ordinance or regulations, the minimum lot size for residential purposes shall be seven thousand (7,000) square feet with a minimum frontage of sixty-five (65) feet, a minimum side yard of six (6) feet on each side, a rear yard of twenty-five (25) feet (except for accessory structures) and a front yard of

twenty (20) feet.

8. No Utilities. Where public sanitary facilities and/or water are not accessible, the lot size shall be determined in accordance with other requirements of this Article.
9. Pipeline Setback. All lot lines depicted on plats for residentially zoned districts shall be a minimum of twenty-five (25) feet from the nearest existing gas pipeline and/or hazardous liquid pipeline, as built, measured parallel to and from the center of such pipeline.

Section 405.625. Street Construction. [R.O. 2007 § 405.625; Ord. No. 1523 § 8.0306, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2868 § 1, 7-9-1998; Ord. No. 3318 § 1, 10-12-2000; Ord. No. 3648 § 1, 5-9-2002]

- A. Streets shall be graded to full width of the right-of-way and be constructed in accordance with the City of St. Peters, Missouri Design Criteria and Standard Specifications for Street Construction.
- B. Improvements Of Existing Streets. For any development fronting or abutting an existing road or street, it shall be the responsibility of the developer, as a minimum, to bring the road or street up to City specifications to the centerline of the road or street. The required improvements shall generally be in accordance with provisions of the Comprehensive Plan and may include widening, overlay, shoulder installation, sidewalk, curb and gutter and other drainage control items. The City Engineer shall make the final decision of the improvements required after review of said plan. The City Engineer shall stipulate additional right-of-way requirements necessary to permit the completion of the plan. Incidental to new development, developer and/or builder shall dedicate the necessary right-of-way. The City Engineer may also require dedication of additional right-of-way to permit the City to complete future improvements envisioned in the plan.
- C. All public streets shall be constructed to meet or exceed the City of St. Peters, Missouri Design Criteria and Standard Specifications for Street Construction.
- D. Private streets, including multiple-family access streets, shall have pavement thickness and width constructed to meet or exceed the City standards for public streets. Maintenance of these streets shall be the sole responsibility of the property owners or trustees of the subdivision. Right-of-way or easement width for private streets shall be the minimum width required for public streets by this Article.
- E. When streets are proposed as private, the developer shall be required to have either a trust indenture or statement on the record plat establishing the method for providing continuous maintenance of streets, as well as storm sewers.
- F. The pavement width set forth in the street specifications for multiple-family access streets does not allow for parking, nor will parking be permitted on the streets. For each parallel parking space adjacent to these streets an additional width of ten (10) feet shall be provided. Additional parking requirements shall be provided herein and by the standards established by the Commission.
- G. No street will be considered for dedication as a public street which has not been

constructed to all City standards for public streets including, but not limited to right-of-way width, pavement thickness and width, and no adjacent perpendicular parking.

- H. On all private streets the developer shall provide independent certification by a qualified registered professional engineer that streets are constructed to the applicable City specifications.
- I. Driveway and parking lot approaches located within public right-of-way shall be maintained by the owner or subdivision trustees, including but not limited to snow removal and structural integrity.
- J. Private Streets To Be Marked By Permanent Signs.
 - 1. Streets proposed as private shall have posted, at each access from a public roadway, a permanent sign twenty-four (24) by thirty-six (36) inches stating: "Private Streets Owned and Maintained by Trustees of this Subdivision". These signs shall be posted prior to the issuance of any building permits and maintained throughout the construction period by the developer. Thereafter these signs shall be maintained by trustees of the subdivision or development.
 - 2. "Permanent" under this Section is defined as a metal sign painted with exterior paint mounted on a two and one-half (2 1/2) inch minimum diameter metal post or a four (4) by four (4) inch treated wood post anchored in at least two (2) feet of concrete below grade.

Section 405.630. Water Supply. [R.O. 2007 § 405.630; Ord. No. 1523 § 8.0307, 5-11-1989]

- A. Where a public water supply main is reasonably accessible, in the judgment of the City Engineer, the subdivision shall be provided with a complete loop-type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants meeting the requirements of the City Building Code and those of the appropriate fire district.
- B. In cases where property could be served by two (2) water systems with one (1) being the City system, the developer must connect to the City system unless the City Engineer determines it is in the City's best interest not to serve the property.

Section 405.635. Stormwater Management. [R.O. 2007 § 405.635; Ord. No. 1523 § 8.0308, 5-11-1989; Ord. No. 3370 § 1, 1-11-2001]

- A. Every subdivision or land development shall provide necessary stormwater sewers and stormwater management systems adequate to serve the area being platted as determined by the City Engineer.
- B. Chapter 550 of the St. Peters Municipal Code established regulations to lessen hazards to persons and damage to property caused by increased stormwater runoff resulting from development of land. It is essential that the provisions of Chapter 550 be readily adhered to in order to assure timely approval of the preliminary plat or site plan and the improvement plans.

- C. Drain pipes and downspouts on non-residential properties shall discharge away from pedestrian areas a minimum of five (5) feet and shall discharge a minimum of five (5) feet from the property line. [Ord. No. 6249 § 22, 10-23-2014]

Section 405.640. Sanitary Sewerage. [R.O. 2007 § 405.640; Ord. No. 1523 § 8.0309, 5-11-1989]

- A. Where a public sanitary main is reasonably accessible, in the opinion of the Commission, the subdivision shall be provided with a complete sanitary sewer connected with such sewer main, including a lateral connection for each lot. Such system and a connection shall comply with the regulations of the Missouri Department of Natural Resources and Missouri Clean Water Commission.
- B. Where a public sanitary sewer system is not reasonably accessible, in the opinion of the City, but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Missouri Department of Natural Resources, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the Governing Body of the City and the Missouri Department of Natural Resources.
- C. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph, or individual disposal devices may be installed on each lot within the subdivision, provided that no individual disposal devices shall be permitted unless the lots to be so served have sufficient areas to allow adequate soil absorption are for on-site sewerage disposal. The City may modify lot area requirements in relation to soil conditions and other pertinent facts and findings in any particular subdivision. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the Missouri Department of Natural Resources and the City.

Section 405.645. Occupancy Permits. [R.O. 2007 § 405.645; Ord. No. 1523 § 8.0310, 5-11-1989]

Prior to closing on any new residential structure, or new or existing commercial, industrial or institutional structure, the builder, contractor or seller shall obtain a copy of a certificate of occupancy for that structure from the City of St. Peters, and furnish a copy of same to the financial institution, title company or any person or agency processing the closing. Each financial institution, title company or any person or agency processing the closing shall provide a copy of the certificate of occupancy to the buyer. At the time the final inspection of the new structure is completed, and it is determined the construction meets provision of the applicable Codes, the City's Inspector shall leave the completed certificate of occupancy on the premises for disposition by the builder/owner. Where construction is not completed and no impediments to the health, safety and welfare of any occupants exist, a temporary occupancy permit may be issued for a period of not longer than thirty (30) days.

Section 405.650. Modifications And Exceptions. [R.O. 2007 § 405.650; Ord. No. 1523 §§ 8.0400 — 8.0403, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996]

- A. Resubdivision — Revision Of Lot Lines With A Plat — Previously Approved And Recorded. In the case of a proposed revision of lot(s) line(s) within a plat previously recorded, an amended final plat showing said proposed revised lot(s) line(s) shall be presented to the City and shall follow the same procedures set forth in this Article VIII, "Subdivision Regulations".
- B. Lot-Split. When a lot which is contained on a record plat which has been approved by the City of St. Peters and duly recorded at the St. Charles County Recorder's office, a proposed lot-split of said recorded lot which lot-split does not change any of the external lines of said recorded lot shall be presented to the Planning and Zoning Commission at their regularly scheduled meeting for review and if the Commission is satisfied that such proposed lot-split is not contrary to applicable regulations, shall within twenty (20) days after the meeting at which the plan was presented approve such lot-split. The Commission may require the submission of a sketch, plat, record of survey and such other information as it may deem pertinent to its determination hereunder. This provision shall apply only to lots upon which a structure has been erected.
- C. Modification — Undue Hardship. In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Commission may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations of the desirable general development or welfare of the neighborhood and the community in accordance with the Comprehensive Plan and the Zoning Ordinance. Any modification thus granted shall be read into the minutes of the Planning and Zoning Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

Section 405.655. Dwelling Unit Display And Condominium Plat Procedure. [R.O. 2007 § 405.655; Ord. No. 1523 §§ 8.0500 — 8.0504, 5-11-1989; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3159 § 1, 12-16-1999; Ord. No. 3781 § 1, 2-20-2003]

- A. Purpose. To provide a procedure whereby the construction of a display house or multiple-family display unit can begin prior to the recording of the record subdivision plat.
- B. Procedure. After receiving approval of a preliminary plat of a proposed subdivision from the Planning and Zoning Commission, the developer may submit a display plat to the Administrative Officer for review and approval. There may be two (2) display houses or units for subdivisions proposing less than ten (10) lots or units. Developments containing at least ten (10) lots or units and not more than sixty (60) lots or units proposed shall be allowed three (3) display houses. For developments containing greater than sixty (60) lots or units, one (1) additional display house or unit for every twenty (20) houses or units proposed beyond sixty (60) will be

permitted, not to exceed ten (10) display house or units.

- C. Display Plat. The display plat shall include a complete outboundary survey of the proposed subdivision and the location of each display unit in relation to proposed lots. The plat shall comply with the requirements of the Engineering Department including, but not limited to, the following:
1. The display plat shall be filed with the Director of Planning and Development and the City Engineer for review and approval. A fee as stated in Appendix A of this Title IV, payable to the City of St. Peters, shall be submitted with the display plat. A copy of the approved display plat shall be forwarded to the City Clerk's office for filing.
 2. The display plat shall become null and void upon the recording of a record plat which establishes that each display is on an approved lot.
 3. No part of the proposed subdivision may be conveyed, nor an occupancy permit issued, for any structure therein until the display house or units have been located on an approved lot.
 4. If initial construction of a display has not commenced within sixty (60) days, the approval shall lapse and the display plat shall be null and void.
 5. Display lots should be on an approved lot of record within one (1) year of the display plat's approval or such longer periods as may be permitted by the Administrative Officer. If the record plat is not filed, the then owner shall remove or cause to be removed all display houses or units from the property. Failure of owner to remove the display houses or units from the property within one (1) year plus thirty (30) days of date of approval shall constitute the granting of authority of the City of St. Peters to remove or cause the display houses or units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.
- D. Condominium Plat. Upon approval of the development plan for a proposed condominium project and after recording the record plat or easement and right-of-way dedication plat, the developer may obtain approval of individual units consistent with the site development plan. The condominium plat shall be consistent with all applicable State regulations. Plats for individual units shall be signed by the City Clerk and City Engineer for the City of St. Peters.

Section 405.660. Boundary Adjustment. [R.O. 2007 § 405.660; Ord. No. 1523 § 8.0505, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 3159 § 1, 12-16-1999]

- A. The purpose of this Section is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites; however, it is not intended that extensive replatting be accomplished by use of this Section.
- B. Boundary adjustments must meet the following criteria:
1. No additional lot shall be created by any boundary adjustment.

2. No more than two (2) commercial or industrially zoned lots or three (3) residentially zoned lots are permitted to use this procedure.
3. Existing zoning shall not be affected by this procedure.

C. Procedure.

1. A boundary adjustment shall be accomplished by plat depicting the boundaries of the original lots and of the adjusted lots.
2. The boundary adjustment plan shall be submitted to the Administrative Officer and City Engineer for their review. If found to be in compliance with this and other applicable ordinances, the boundary adjustment plat shall be signed by the City Engineer and then be forwarded to the City Clerk's office for approval for recording.
3. The boundary adjustment plat shall be recorded in the office of the St. Charles County Recorder of Deeds. A copy of the recorded boundary adjustment plat shall be returned to the Planning Department. **[Ord. No. 6249 § 23, 10-23-2014]**
4. The boundary adjustment plat shall be submitted to the Administrative Officer and City Engineer for their review. A fee as stated in Appendix A to this Title IV, payable to the City of St. Peters, shall be submitted with the boundary adjustment plat.

Section 405.665. Inspection. [R.O. 2007 § 405.665; Ord. No. 1523 § 8.0601, 5-11-1989; Ord. No. 3159 § 1, 12-16-1999]

- A. Prior to starting any of the work, the developer shall make arrangements with the Engineering Department to provide for inspection of the work, sufficient, in the opinion of the City Engineer, to assure compliance with the plans and specifications as approved. A minimum of twenty-four (24) hours' notice shall be given for each phase of work (sanitary sewer construction or street construction). Fees for the appropriate initial inspections are covered in the cost of the site development permit.
- B. Supplemental Inspection. In addition to the required inspections heretofore specified, the City Engineer may make or cause to be made other inspections which, in his/her judgement, are reasonably necessary due to unusual construction or circumstances. The City Engineer shall have the authority to inspect any construction work in order to ascertain whether compliance with City Codes and specifications are being met and in order that he/she may properly enforce the rules promulgated by this Code. The inspections may include, but are not limited to, all other phases of construction. A fee as stated in Appendix A to this Title IV may be assessed for each additional inspection.
- C. Extra Inspection. If by judgment of the City Engineer an inspection requested is not ready or accessible for inspection, or in the judgment of the City Engineer the applicant has caused the City extra inspections other than the typical required, a fee as stated in Appendix A to this Title IV may be assessed for each additional inspection or reinspection.

Section 405.670. Completion Of Construction. [R.O. 2007 § 405.670; Ord. No. 1523 § 8.0602, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996]

The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the final plat by the Planning and Zoning Commission unless good cause can be shown for the granting of an extension of time by authority of the Commission.

Section 405.675. Record Drawings (As-Built Drawings). [R.O. 2007 § 405.675; Ord. No. 1523 § 8.0603, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2868 § 1, 7-9-1998; Ord. No. 3143 § 1, 11-18-1999]

A corrected reproducible print of "as-built" plans of all items dedicated to the City including, but not limited to, sanitary sewers, storm sewers, water distribution lines and any significant modification of streets shall be submitted to the City upon completion of these facilities prior to formal acceptance of any instrument of dedication of these improvements for maintenance by the City of St. Peters. These plans shall be prepared by a qualified registered professional engineer. A copy of the recorded record plat shall also be filed with the City. Sanitary sewer lateral data, as constructed, shall be supplied to the City Engineer. For all improvement plans, as-built plans, prepared using computer assistance, a digital copy of such information shall be submitted in a "Microstation DGN" or other computer readable format approved by the Engineering Department.

Section 405.680. Maintenance And Supervision. [R.O. 2007 § 405.680; Ord. No. 1523 § 8.0604, 5-11-1989]

Where the subdivision contains sewers, sewage treatment plants, water supply systems, stormwater management facilities, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made, which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities, for the proper and continuous operation, maintenance, and supervision of such facilities.

Section 405.685. Street Signage, Street Naming And Street Addresses. [R.O. 2007 § 405.685; Ord. No. 1523 § 8.0605, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2778 § 1, 12-11-1997; Ord. No. 3171 § 1, 1-13-2000; Ord. No. 5132 § 19, 1-8-2009]

- A. Street name signs and traffic control signs shall be installed by the City at the developer's expense. The City shall be paid by the developer for the cost of the signage and sign installation, as determined by the City Engineer, in the form of a cash payment to be provided prior to the installation of the signs and prior to the final subdivision plat being signed and sealed by the City.
- B. For purposes of street naming, the Planning and Zoning Commission shall review and approve said names and their appropriate suffixes.
- C. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.

- D. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.
- E. To avoid confusion and improve coordination of street naming, developers shall present a letter to the City from the St. Charles County Planning Department attesting to the fact that the street names of their proposed subdivision do not duplicate others in the County. This letter shall accompany the record plat as part of the overall required documentation and no plat shall be approved by the Planning and Zoning Commission without such letter.
- F. Street address(es) shall be provided for each lot after a review has been made by the appropriate U.S. Post Office. Addresses shall be provided for the development before the first building permit is requested.

Section 405.690. Electric, Telephone And Cablevision Lines. [R.O. 2007 § 405.690; Ord. No. 1523 § 8.0606, 5-11-1989; Ord. No. 3143 § 1, 11-18-1999]

- A. Easements for underground conduits or cables for electric, telephone and cablevision lines shall be provided along rear and side lot lines.
- B. In all subdivisions, and along all arterial and collector roadways, electric, telephone and cablevision distribution lines shall be installed underground, except those overhead distribution feeder lines necessary to serve that subdivision and in locations approved by the Engineering Department. The Department may approve above ground installations in whole or part for both residential and non-residential subdivisions only when a request is submitted by the developer with documentation that supports the impracticability of installing underground service. The Department may consider, but not be limited to, the following conditions when approving above ground service:
 - 1. When geologic conditions prohibit installation of underground service.
 - 2. When the service lines would lie in areas with a high susceptibility to erosion (ditches, creeks).

Section 405.695. Planting (Landscaping). [R.O. 2007 § 405.695; Ord. No. 1523 § 8.0607, 5-11-1989]

Landscaping — See Article VI, Section 405.390.

Section 405.700. Monuments. [R.O. 2007 § 405.700; Ord. No. 1523 § 8.0608, 5-11-1989; Ord. No. 2516 § 1, 8-8-1996]

- A. Permanent and other monuments shall be placed in accordance with the following requirements and under the supervision of the City Engineer or his/her designee:
 - 1. Street Points. Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street centerlines.
 - 2. Curb Marks. Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot sidelines.
 - 3. Corner Markers. Metal rods or bars of a permanent nature shall be set at the

rear lot corners; top to be set not more than two (2) inches above ground.

Section 405.705. Right-Of-Way — Structures Prohibited. [R.O. 2007 § 405.705; Ord. No. 1523 § 8.0609, 5-11-1989; Ord. No. 5339 § 13, 2-25-2010]

Structures including, but not limited to, basketball backboards, game-ball poles, fence material (all types), and any other items including, but not limited to, construction materials and firewood shall not be erected in any street or road right-of-way, nor shall any portion of said structure extend into any of said right-of-way. This regulation does not apply to signs posted by duly constituted public authorities in the performance of their public duties or to temporary information type signs.

ARTICLE IX
Permanent Sign Regulations

Section 405.710. Intent And Purpose. [R.O. 2007 § 405.710; Ord. No. 1523 § 9.0100, 5-11-1989]

The purpose of these regulations is to provide minimum control of permanent signs to promote the health, safety, and general welfare of the public by lessening hazards to pedestrian and vehicular traffic, by preserving property values, and by preventing a proliferation of unsightly and incompatible development which has a general blighting effect on the City. For "temporary signs" see other applicable ordinances.

Section 405.715. Definitions. [R.O. 2007 § 405.715; Ord. No. 1523 § 9.0200, 5-11-1989; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 4178 § 1, 12-9-2004; Ord. No. 4913 § 1, 10-25-2007; Ord. No. 5096 § 2, 10-23-2008; Ord. No. 5177 § 6, 4-23-2009]

For the purposes of this Article, the following definitions shall apply:

ADMINISTRATIVE OFFICER — An office or individual having specific authority to administer the regulations of this Article.

AWNING, CANOPY, AND MARQUEE SIGN — A sign mounted or painted on, or attached to, an awning, canopy, or marquee.

BILLBOARD (OFF-PREMISES SIGN) — A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, such as billboards or outdoor advertising signage.

CANOPY (OR MARQUEE) — A permanent roof-like shelter extending from part or all of a building face onto which signs may be placed.

CHANGEABLE COPY SIGN (AUTOMATIC) — A sign with a time interval of ten (10) seconds or greater such as an electronically controlled message board where different copy changes are shown. Electronically controlled public service time, temperature and date sign message boards may have a minimum time interval of three (3) seconds. Combined business and changeable copy signs where the entire sign is electronically controlled may have a minimum time interval of twenty (20) seconds or greater.

CHANGEABLE COPY SIGN (MANUAL) — A sign on which copy is changed manually in the field, such as reader boards with changeable letters or changeable pictorial panels.

CHURCH BULLETIN BOARD — A sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name, if desired.

CITY — City of St. Peters.

CITY PROPERTY — Property of the City of St. Peters, whether or not the property is at the time being used for a public purpose, and includes that property which is owned, rented or leased to the City of St. Peters. This definition shall not apply to property owned by the City which is leased or rented to others.

COPY (PERMANENT) — The wording on a sign surface either in permanent or removable letter form. Permanent wording may also be in the form of an electronic display sign or video display sign where the display does not change more frequently than every twenty (20) seconds.

DETACHED SIGN — (See "GROUND OR POLE SIGN")

DIRECTIONAL SIGN — Any sign which serves solely to designate the location or direction of any place or area.

DIRECTLY ILLUMINATED — Any sign designed to provide artificial light either through transparent or translucent material from a light source within the sign.

ELECTRICAL SIGN — Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

ERECT — To build, construct, attach, hang, rehang, place, affix, or relocate and includes the painting of lettering for signs.

EVENT — A noteworthy social occasion or happening of a non-commercial nature.

EXEMPT SIGNS — Signs exempted from normal permit requirements and fees.

FACADE — The front or main part of a building facing a street; for purposes of this Article the facade is defined as measured from the ground elevation to the parapet line.

FACE OF SIGN — The entire area of sign on which copy could be placed. For purposes of this Article, the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.

FACIA SIGN (OR WALL SIGN) — A sign attached to or erected against a wall of a building with the face horizontally parallel to the wall.

FLAG, NON-COMMERCIAL — A flag of the Federal, State or local government or one having the name and/or corporate logo or symbol of the business establishment.

FLASHING SIGN — A sign or accessory light which is illuminated on an intermittent cycle except changeable copy sign (automatic).

FLUTTERING SIGN — A sign which flutters and includes banners and commercial flags.

FREESTANDING SIGN — (See "GROUND OR POLE SIGN")

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

GROUND OR POLE SIGN — A freestanding sign resting upon the ground or attached to it by means of one (1) or more poles or standards (See "DETACHED SIGN").

HEIGHT OF SIGN — The measurement from the top of the highest structural element of the sign to the average level of the finished ground surface or grade.

IDENTIFICATION SIGN — A sign containing only the name and address of the occupant or business establishment.

INSTITUTIONAL SIGN — A sign identifying the institutional or governmental facility.

LOGO — A letter, character, or symbol used to represent a person, corporation or

business enterprise.

MEMORIAL SIGN — The permanent part of a building which denotes the name of the building, date of erection, historical significance or similar information.

MONUMENT SIGN — A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. **[Ord. No. 6219 § 1, 9-11-2014]**

NON-CONFORMING SIGN (LEGAL) — Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Article and any amendments thereto, and restrictions of this Article, or a non-conforming sign for which a variance has been issued.

NON-ELECTRICAL SIGN — Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

OUTDOOR ADVERTISING SIGN — An off-premises or billboard type sign.

PARAPET OR PARAPET WALL — That portion of a building wall that rises above the roof level.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PORTABLE READER BOARD — A portable changeable copy sign.

PREMISES — That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants.

PROJECTING SIGN — Any letter, word, sign device or representation used in nature of an advertisement or announcement projecting perpendicularly from the building.

RESIDENTIAL CONSTRUCTION PROJECT SIGN — Directional sign to subdivisions under construction and project site promotional sign.

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

ROOF LINE — The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN — A sign mounted on the roof of a building or projecting above the top of the roof line (except a ground or pole sign).

ROTATING SIGN — A sign or portion of a sign which moves in a revolving or similar manner.

SIGN — Any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey information. Sign supports are not considered part of the sign.

STRUCTURAL TRIM — The molding, battens, nailing strips, latticing, and platforms which are attached to the sign structure.

SUBDIVISION SIGN — A permanent ground sign identifying a subdivision entry,

subdivision name, and/or street names within the subdivision.

SUPPORTS — Sign supports shall apply to all structures by which the sign is held up, including for example: poles, braces, guys and anchors.

TEMPORARY SIGN — A sign of a civic, political, charitable, religious or commercial purpose and relating to a specific civic, political, charitable, religious, or commercial event including garage and yard sales, which event is not continuous or a frequent occurrence.

WINDOW SIGN — A sign permanently affixed to either side of the glass of an exterior door or window. For the purpose of this Article, a glass brick wall shall be deemed a window. This definition does not include merchandise located in the window.

Section 405.720. Permit Requirements. [R.O. 2007 § 405.720; Ord. No. 1523 §§ 9.0301 — 9.0305, 5-11-1989; Ord. No. 3171 § 1, 1-13-2000]

- A. Except as hereinafter provided for certain specified exempt signs, no sign subject to the provisions of this Article shall be erected, altered, or relocated without first obtaining a permit from the Administrative Officer. To obtain a permit, the person(s) erecting said sign shall file an application upon forms provided by the Engineering Department. Application for a sign and permit approval must occur prior to erection of a sign. Otherwise, said sign shall be deemed in violation of this Article.
- B. Permit Applications. Applications for both temporary and permanent sign permits shall be submitted to the Engineering Department and shall contain or have attached thereto the following information:
 - 1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - 2. The location of the building, structure, or zoning lot on which the sign is to be erected and/or affixed.
 - 3. A site plan of the property involved, showing accurate placement thereon of the proposed sign.
 - 4. Two (2) blueprints or ink drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
 - 5. If required by the Administrative Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the State of Missouri showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the City.
 - 6. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
 - 7. Such other information as the Administrative Officer may require to determine

full compliance with this and other applicable ordinances of the City.

- C. Fees. A fee, as set forth in Appendix A of Title IV, per sign shall be paid to the City of St. Peters for processing of a permanent sign permit. The fee must be paid at the time the application is filed. There shall be no charge for processing of a temporary sign permit.
- D. Denial Or Revocation. The Administrative Officer may deny, suspend or revoke a permit issued under provisions of this Article whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrative Officer, he/she shall give written notice of denial to the applicant, together with a brief written statement of the reasons for the denial.
- E. Six Month Deadline. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void. An applicant must refile the appropriate information when said permit is voided.

Section 405.725. Unsafe, Obsolete, Unmaintained And Non-Conforming Signs.
[R.O. 2007 § 405.725; Ord. No. 1523 § 9.0306, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 3622 § 1, 3-14-2002]

- A. Unsafe Signs. If any sign is found to be unsafe or insecure, or is a menace to the public, the Administrative Officer shall give written notification to the owner of the property to which such sign is erected or affixed to remove or alter such unsafe or insecure sign within ten (10) days upon receipt of notification. Upon failure to comply with such notice within the time specified, the Administrative Officer shall find the owner of the sign in violation and take appropriate legal action to remove or repair said sign. The Administrative Officer may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.
- B. Obsolete Signs.
 - 1. Any obsolete sign that does not advertise an existing business or a product shall be taken down and removed by the owner of the property to which the obsolete sign is attached within ten (10) days after notification from the Administrative Officer. Upon failure to comply with such notice within the time specified, the officer shall cause for removal of such sign, and any expense incidental thereto shall be paid by said owner.
 - 2. At the termination of a business or commercial enterprise, all signs pertaining thereto shall be removed from public view within ninety (90) days of such termination.
- C. Alteration And Maintenance Of Non-Conforming Signs. Any non-conforming signs shall be brought into compliance when the following occurs:
 - 1. Damage to a sign which requires repairs which will exceed fifty percent (50%) of the replacement value of the sign.
 - 2. Required maintenance which will exceed fifty percent (50%) of the

replacement of the sign.

3. A change in ownership or tenancy which requires a new certificate of occupancy for the premises on which a legal non-conforming sign is located.
4. Relocation of a sign either on the premises or to another location.
5. Remodeling which encompasses more than fifty percent (50%) of the display frontage of the business to which the sign relates.

D. Sign Condition.

1. All signs shall be maintained and in good working order including, but not limited to, operational electrical service and components and sign colors and detail that match the approved sign design.
2. All building facades, sign boards, and other areas to which signs are attached shall be returned to a smooth, finished surface that matches the building at the time of sign removal.

Section 405.730. Signs Prohibited. [R.O. 2007 § 405.735; Ord. No. 1523 § 9.0400, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997]

A. The following signs shall be prohibited:

1. Signs containing flashers, animators, electronic or mechanical movement or contrivances of any kind except for those signs classified as a changeable copy sign (automatic) or electronic signs otherwise permitted by this Code. This shall also apply to the interior of a building where flashing lights or other mechanical or electronic contrivances are used in conjunction with window signs or other advertisements which can be viewed from the outside of the building. **[Ord. No. 6219 § 1, 9-11-2014]**
2. Paper posters and signs painted directly on exterior walls, chimneys or other parts of the building.
3. Signs or other advertising structures displaying any obscene, indecent or immoral matter.
4. No sign or other advertising structure erected regulated by this Article shall be at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
5. Roof signs.
6. Signs On Parked Vehicles. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is

incidental to the primary use of the vehicle or trailer.

7. "A" frame or sandwich board and sidewalk, or curb signs except as otherwise noted in this Article.
8. Portable reader board (changeable copy sign).
9. Commercial flags, streamers and pennants.
10. Permanent or temporary signs attached to a fence. [Ord. No. 6865, 11-9-2017]

Section 405.740. Exempt Signs. [R.O. 2007 § 405.740; Ord. No. 1523 § 9.0500, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2920 § 1, 9-10-1998; Ord. No. 3451 § 1, 5-24-2001]

A. The following signs shall be exempt from all but the maintenance and public safety requirements of this Article.

1. Awning, Canopy And Marquee Signs. Awning signs not exceeding a gross area of four (4) square feet or canopy and marquee signs not exceeding a gross area of twenty-five (25) square feet, indicating only the name of the activity conducted on the premises on which the sign is located and/or a brief generic description of the business conducted by the activity. All such signs shall be constructed in accordance with the Building Code provisions of the City of St. Peters. Advertising material of any kind is strictly prohibited on awning and canopy signs.
2. Agricultural Business Sign. Business signs, not exceeding thirty-two (32) square feet, when located on property used for agricultural purposes and pertaining to the sale of agricultural products grown or produced on the premises.
3. Business Nameplates. Non-electrical nameplates denoting the business name of an occupation legally conducted on the premises, provided that the sign area does not exceed two (2) square feet in area.
4. Bulletin Boards. Bulletin boards, not exceeding twenty (20) square feet for public, charitable, or religious institutions where the same are located on the premises of said institutions.
5. Directional Signs. Signs not exceeding four (4) square feet in area, which provide instruction or direction and are located entirely on the property to which they pertain, to identify restrooms, public telephones, walkways, parking lot entrances and exits, and features of a similar nature. The Administrative Office shall have the authority to deny such signs if they are deemed unnecessary or to be used for advertising purposes.
6. Flags, Emblems And Insignias (for Non-Commercial Purposes). Flags, emblems and insignias of political, professional, religious, educational and corporate organizations shall not exceed a height of five (5) feet and a width of eight (8) feet. Such flags, emblems and insignias may only be used for non-commercial purposes and comply with all applicable regulations pertaining to flag etiquette. National, State and City flags shall be exempt from all

provisions contained within the permanent sign regulations, providing that such flags are used for non-commercial purposes and comply with all applicable regulations pertaining to flag etiquette.

7. Government And Institutional Signs. Signs of a duly governmental body, including traffic or other similar regulatory devices, directional signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, and so forth.
8. House Number Sign. (Provided such signs do not flash.)
9. Interior Signs. Signs which are fully located within the interior of any building or within an enclosed lobby of any building which are intended solely for information relating to the interior operation of the building in which they are located.
10. Memorial Signs. Memorial signs or tablets listing names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
11. Religious And Historic Symbols. Religious symbols, identification emblems of religious order, or commemoration plaques of recognized historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building, stone, or other permanent surface.

Section 405.745. Permanent Sign Regulations By Zoning District. [R.O. 2007 § 405.745; Ord. No. 1523 §§ 9.0600 — 9.0603, 5-11-1989; Ord. No. 1988 § 1, 3-25-1993; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3039 § 1, 5-13-1999; Ord. No. 3082 § 1, 8-12-1999; Ord. No. 3451 § 1, 5-24-2001; Ord. No. 3474 § 1, 7-12-2001; Ord. No. 3580 § 1, 1-10-2002; Ord. No. 3648 § 1, 5-9-2002; Ord. No. 3701 § 1, 9-12-2002; Ord. No. 4913 § 1, 10-25-2007; Ord. No. 5096 § 3, 10-23-2008; Ord. No. 5339 § 14, 2-25-2010; Ord. No. 5466 § 10, 8-26-2010; Ord. No. 5563 § 13, 3-24-2011]

- A. All signs in this Section are considered permanent and shall be located in the zoning districts as set out herein.
- B. Signs Permitted In "A-1" Agricultural District. For uses permitted upon review and approval by the Planning and Zoning Commission, refer to appropriate zoning district for sign regulations. The regulations below shall only apply to an agricultural business advertising agricultural products which are sold from the premises on a year-round basis (vegetables, greenhouse stock).
 1. Changeable Copy Sign. Only one (1) sign shall be permitted per street facing. Said sign shall not exceed twenty-four (24) square feet per facing or forty-eight (48) square feet per facing or forty-eight (48) square feet for the total aggregate sign area. Sign shall not exceed fifteen (15) feet in height above the average street grade. Sign copy shall only advertise goods or products sold on the premises and not contain the name of the business.

2. Permanent Agricultural Business Signs. There shall not be more than one (1) ground sign per street facing containing only the name of the business or enterprise on the premises. Said sign shall not exceed thirty-two (32) square feet per facing or sixty-four (64) square feet for the total aggregate sign area. Signs may be illuminated. Sign shall not be higher than fifteen (15) feet above the average grade. Changeable copy sign shall be allowed in addition to a ground sign provided individual permits are obtained.
- C. Signs Permitted In All Residential Districts. In all residential districts, the following signs are permitted in accordance with the regulations set forth herein:
1. Subdivision Signs. All subdivision signs shall be ground signs. Subdivision signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be permitted. There shall not be more than two (2) residential subdivision signs for each point of vehicular access to a development. No new subdivision signs shall be permitted within the median of a public street. Subdivision signs shall not exceed fifty (50) square feet in area for each exposed face and not exceed a total aggregate area of one hundred (100) square feet. Subdivision signs may be located in any required yard and must be located outside of the City right-of-way. Signs located adjacent to an arterial or collector roadway shall be set back five (5) feet from the right-of-way.
 2. Name And Address Signs. See "Exempt Signs".
 3. Home Occupations. Signs relating to a business activity or enterprise in the home is prohibited in all residential districts.
- D. Signs Permitted In All "C" Commercial And "I" Industrial Districts (Non-Residential). In certain non-residential districts, the following signs are permitted in accordance with the regulations set forth herein:
1. Ground Signs.
 - a. Ground signs as described above shall be permitted as follows:
 - (1) "C-1" Neighborhood Commercial. No ground sign permitted.
 - (2) "C-2" Community Commercial District. The maximum height may not exceed twelve (12) feet. The face of such sign may not exceed fifty (50) square feet per sign face or a total area of one hundred (100) square feet.
 - (3) "C-3" General Commercial. The maximum height may not exceed thirty (30) feet. The face of such sign may not exceed one hundred (100) square feet per face or a total aggregate sign area of two hundred (200) square feet.
 - (4) Lots directly abutting the right-of-way of Interstate 70 and Highway 94, the following maximum height and size will apply:
 - (a) "C-3" General Commercial. The maximum height may not exceed forty-five (45) feet. The face of such sign may not

exceed two hundred fifty (250) square feet per face or a total aggregate sign area of five hundred (500) square feet.

- (5) "C-4" Regional Shopping Center. The maximum height may not exceed forty-five (45) feet. The face of such sign may not exceed nine hundred (900) square feet per face or a total aggregate sign area of eighteen hundred (1,800) square feet and may include a changeable sign (automatic) to be used for:
 - (a) Public service messages, and
 - (b) On-site commercial messages only.
 - (6) "I-1" Light Industrial And "I-2" Heavy Industrial. The maximum height may not exceed thirty (30) feet. The face of such sign may not exceed one hundred (100) square feet per face or a total aggregate sign area of two hundred (200) square feet.
- b. The following regulations shall apply to all ground (pole and monument) signs in all zoning districts:
- (1) One (1) ground sign shall be allowed per each public street fronting the lot with the exception of identification signs and as permitted in Subsection (b)(3) below. A ground sign shall be allowed fronting a private street or access drive in lieu of a permitted ground sign as approved by the Administrative Officer. Where a lot has no frontage on a public or private street, the Administrative Officer shall determine frontage for all sign locations.
 - (2) Ground signs are limited to a commercial message pertaining to the business or enterprises operating on the lot on which the ground sign is located.
 - (3) When multiple tenants occupy a single building on a lot, tenants' signs shall be grouped and placed on the same set of sign supports. Lots with multi-tenant buildings shall be permitted one (1) ground sign at each entrance if the entrances are a minimum of fifty (50) feet apart, measured from the center of each entrance. The signs shall not exceed the maximum sign size permitted per the underlying zoning district, and shall be a maximum of twelve (12) feet in height. Signs within a single shopping center shall have a consistent theme including color and style.
 - (4) Ground signs shall not extend nearer than ten (10) feet to the public right-of-way (as measured from the sign edge).
 - (5) Sign heights will be measured from the elevation of the adjacent street or the elevation of the average finished ground elevation along the side of the building facing the street, whichever is greater.
 - (6) The structural supports of all ground/pole signs shall consist of one (1) or more of the following: decorative in nature, architecturally treated, concealed within the supporting base, concealed by rigid

trim and/or skirting material.

- (7) All ground/pole signs shall be located in a protected landscaped area.
- (8) Ground signs may be in an electronic format. However, electronic ground signs may not be used in conjunction with an electronic changeable copy sign. **[Ord. No. 6219 § 1, 9-11-2014]**
 - (a) In lieu of a separate electronic ground sign and changeable copy sign, a combined electronic sign and changeable copy sign may be permitted. Said combined signs shall not exceed the total square footage of the permitted ground sign and the changeable copy sign.
 - (b) The area of an electronic changeable copy sign may be increased in area if the non-electronic business sign it is attached to is decreased in area proportionally.
- (9) Sign plazas shall be permitted within City right-of-way at the City's discretion. Space within sign plazas may be leased or provided to individual businesses as directed by the City.

2. Commercial And Industrial Park Sign.

- a. A commercial or industrial park shall be permitted an entrance identification sign. Such sign shall identify the name of the development and may also include the names of the businesses within the commercial/industrial park. The Administrative Officer shall determine the boundaries of the commercial/industrial park, if said boundaries are not established by plat.
- b. The placement of the sign shall be on a lot at the entrance to the development and shall occupy one (1) of the regular ground sign locations for this lot. Such commercial/industrial park signs must conform to all signage regulations for that district including size and height.
- c. In addition to the entrance identification sign, each lot or building within an office development accessed via a private drive and/or parking lot shall be permitted one (1) monument sign not to exceed thirty (30) square feet in area. A wall sign that meets the minimum standards of this Section may be used in lieu of the monument sign.

3. Institutional Uses. **[Ord. No. 6138 § 1, 5-8-2014]**

- a. Churches, fire district stations and fire district administrative buildings, ambulance district buildings, school buildings, and library buildings shall be permitted one (1) ground sign up to fifty (50) square feet in size of which twenty-four (24) square feet may be used as changeable copy. All other sign requirements shall apply, including ground sign regulations as contained in Subsection (D)(1)(b)(1) through (8) as appropriate. Design of such signs shall be of monument style and lighted so as to not detract

from any adjoining residential property.

- b. Churches, fire district stations and fire district administrative buildings, ambulance district buildings, school buildings, and library buildings located in commercial or industrial districts may elect to construct a sign in conformance with the size and height requirements of that district.

4. Wall Signs.

- a. The total area of each wall sign shall not exceed five percent (5%) of the building facade or thirty-two (32) square feet, whichever is greater. A wall sign shall be permitted on each wall which parallels and is adjacent to, or is oriented to a street or access drive. If the business fronts on more than one (1) street or access drive, the sign area for each wall shall be computed separately and shall include all signs on each wall. Where a business has no wall fronting on a street or access drive, the Administrative Officer shall determine frontage for all sign locations. The Administrative Officer may approve the placement of a wall sign or a portion of a wall sign on a main facade, including, but not limited to, facades fronting a parking lot or including a main building entrance, in lieu of a sign parallel to a roadway. The transferred sign area shall not exceed the permitted sign area. **[Ord. No. 6865, 11-9-2017]**
- b. Awning, canopy, and marquee signs anchored to the primary building may be used in place of a wall sign. Awning, canopy, and marquee signs used in place of wall signs will be subject to the same requirements as a wall sign.
- c. All support structures for wall mounted signs shall be concealed from public view.
- d. Signs shall not be installed wholly above the roofline. A design element of a sign may extend above a sign board or flat roof a maximum of ten percent (10%) of the sign area. Sign area shall not extend beyond the sides of the building facade. **[Ord. No. 6219 § 1, 9-11-2014; Ord. No. 6865, 11-9-2017]**
- e. A maximum of two (2) background colors shall be used for all box type wall signs within a multi-tenant shopping center. A limit on background color shall not apply to tenants that take up greater than thirty thousand (30,000) square feet in area. Digital wall signs shall not be permitted. Channel letters shall be required on a building if channel letters only are in place on the building. **[Ord. No. 6865, 11-9-2017]**
- f. The facade area behind all wall signs within a multi-tenant shopping center shall be treated with the same materials and color.
- g. In commercial and industrial developments where multiple wall signs are used, a consistent sign theme shall be maintained for all wall signage. The sign theme shall apply to sign style, color and placement. The sign theme shall be established at the submittal of the initial sign permit application. Existing developments shall establish a sign theme by July 31, 2002 and

install signs in compliance with this theme by July 31, 2003.

5. Changeable copy signs. Changeable copy signs may be permitted in conjunction with ground signs provided they are permanently mounted or affixed to a structure and advertise only goods or services available on the premise. When used in conjunction with a ground sign, changeable copy signs must be located on the same sign supports. Said sign shall not exceed twenty-four (24) square feet per sign facing or forty-eight (48) square feet for the total aggregate sign area. In no case shall the sign flash or contain any other mechanical or electronic contrivance although the scrolling of messages shall be allowed.
6. Window Signs. Permanent window signs may be affixed to a window (see definition for "Window Sign") advertising goods or services sold on the premises, provided that the total of all signs, including those temporarily mounted in that window, occupy no more than twenty percent (20%) of the window's area. No flashing or other mechanical contrivances, including lights around or in windows, shall be permitted in conjunction with such advertising on a permanent basis unless approved as an architectural element. Electronic window signs may change message a maximum of four (4) times in a twenty-four-hour period. These regulations shall not apply to merchandise or products. Window screening, including but not limited to adhesive screens and other applied materials, shall be considered an architectural element and may be subject to architectural review and approval. **[Ord. No. 7458, 6-24-2021]**
7. Awning, Canopy Or Marquee Signs. See "Exempt Signs".
8. Identification Signs. One (1) identification sign is permitted for the principal access to the premises and one (1) sign for the secondary access. The sign shall not exceed twelve (12) square feet in area per sign facing or twenty-four (24) square feet for the gross aggregate sign area.
9. Flashing Or Revolving Signs. Flashing signs and revolving signs are expressly prohibited (See Prohibited Signs.²⁰) with the exception of time and temperature signs which serve the public interest and electronic signs allowed by this Code. **[Ord. No. 6219 § 1, 9-11-2014]**
10. Menu Board Signs. **[Ord. No. 6865, 11-9-2017]**
 - a. All fast food menu signs shall not exceed forty (40) square feet for the gross aggregate sign area. Two (2) signs are allowed per drive through lane as approved on the site development plan.
 - b. All menu items, promotions, pictures, or other displays related to the menu sign(s) must be contained within the permanent structure of the menu sign(s).
11. Produce Stands. Produce stands which are not operated in conjunction with a supermarket or other retailer and businesses in the "S-D" Special Old Town Overlay District shall be permitted one (1) "A" frame or sandwich board. The

20. Editor's Note: See Section 405.730, Signs Prohibited.

sign shall not exceed twenty-five (25) square feet in area. The sign shall not be located on the right-of-way and shall be maintained in a neat and orderly fashion. The sign shall be constructed of wood, metal, or plastic; no cardboard or paper signs shall be permitted. The sign shall advertise the items and prices for sale on the premises.

12. Service Stations And Convenience Stores. **[Ord. No. 6219 § 1, 9-11-2014]**

- a. One (1) price, business, logo or corporate sign per pump island shall be permitted and may be illuminated; each sign shall be a maximum of two (2) square feet per sign face.
- b. Signs advertising products available at the subject business shall be permitted on each pump island; each sign shall not exceed two (2) square feet per sign face.
- c. Television/computer screens used for general or specific promotions or informational programming may be permitted on the pump island. The entire screen must be contained within the structure of the pump island.

13. Property development, including building construction, shall be identified with a sign which shall be installed by the owner, developer, or business owner. Said sign shall be a minimum of fifteen (15) square feet in area, shall indicate the business name, and shall be installed prior to the issuance of the first permit for the development. **[Ord. No. 6865, 11-9-2017]**

Section 405.750. Temporary Signs. [R.O. 2007 § 405.750; Ord. No. 1523 §§ 9.0604 — 9.0622, 5-11-1989; Ord. No. 2312 § 1, 6-8-1995; Ord. No. 2326 § 1, 7-13-1995; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2920 § 1(9.0609), 9-10-1998; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3530 § 1, 9-27-2001; Ord. No. 3701 § 1, 9-12-2002; Ord. No. 3781 § 1, 2-20-2003; Ord. No. 3961 § 1, 1-20-2004; Ord. No. 4178 § 1, 12-9-2004; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 5096 § 4, 10-23-2008; Ord. No. 5339 § 15, 2-25-2010; Ord. No. 5466 § 11, 8-26-2010; Ord. No. 5563 § 14, 3-24-2011]

A. Definitions. For the purpose of this Section, the following definitions shall apply:

CITY PROPERTY — That property of the City of St. Peters, whether or not the property is at the time being used for a public purpose, and includes that property which is owned, rented or leased to the City of St. Peters. This definition shall not apply to property owned by the City and leased or rented to others.

RESIDENTIAL CONSTRUCTION PROJECT SIGN — Directional signs to subdivisions under construction and project site promotional signs.

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

TEMPORARY SIGN — Any sign of a civic, political, charitable, religious or commercial purpose and relating to a specific civic, political, charitable, religious, or commercial event including garage and yard sales, which event is not continuous

or a frequent occurrence.

- B. **Public Safety.** No temporary sign or other sign permitted by this Section, shall be placed or erected so as to prevent ready access to any window, door, passageway, or fire escape, nor shall any temporary sign be placed on private property in such a manner as specified in the zoning ordinance of the City so as to constitute a hazard to motor vehicles and pedestrian traffic, or obscure the view of motor vehicle operators or pedestrians.
- C. **Secure Fastening Of Signs.** All temporary signs and other signs permitted by this Section shall be securely fastened to a post in the ground or anchored to the ground by an adequate wire or cable or wooden braces.
- D. **Presumption As To Ownership Of Sign.** Any person, persons, firm, corporation, or partnership promoting the event, candidate, proposition or commercial event, or providing direction, promoted by a temporary sign, or other sign permitted by this Section, shall be presumed to be the owner of such sign, provided however, this presumption shall be rebuttable. All temporary signs, except as otherwise noted, shall be located on the site of the subject business or event being advertised.
- E. **Signs On City Right-Of-Way And City Property.**
 - 1. No person, firm, corporation, partnership or committee shall erect any garage/yard sale sign, real estate sign, residential construction project sign, church directional sign, political signs, or any other temporary or permanent sign on any public right-of-way or any City property of the City of St. Peters except the City of St. Peters, its departments, agencies, contractors or subcontractors, the County of St. Charles and the State of Missouri except as follows:
 - a. Within the public right-of-way within one hundred (100) feet of a polling place for public election where such temporary sign supports or opposes a proposition or candidate being voted on at such election, and then such signs may be placed in the public right-of-way only on the day of such election.
 - b. A civic or organizational event, charitable function, or fund-raising activity, and then such sign may be placed in the public right-of-way only on the day prior to and the day of the event.
 - 2. Such signs as mentioned in Subsections (E)(1)(a — b) above shall not constitute a hazard to the traveling or pedestrian public, nor shall they be affixed to any structure in the right-of-way.
- F. **Public Utility Poles.** No temporary signs or other signs permitted by this Section shall be placed on any telephone, electric or other public utility poles, whether or not such public utility poles are located on any right-of-way defined by this Section.
- G. **Traffic And Pedestrian Regulation Signs.** No temporary sign shall be placed on or affixed to any sign or its supporting structure in the City of St. Peters which sign has as its purpose the regulation of, or warning to, motor vehicle or pedestrian traffic.
- H. **Temporary Signs For Temporary Uses.** Each temporary use, as allowed by City

Code, shall be permitted a maximum of one (1) temporary sign for the duration of the temporary use. The sign shall be a banner not to exceed thirty-two (32) square feet in area or five percent (5%) of the wall area or a yard/pole sign not to exceed sixteen (16) square feet in area. All signs shall be properly secured and shall be authorized by a temporary sign permit. **[Ord. No. 6219 § 1, 9-11-2014]**

- I. Church Directional Signs. Churches may erect up to three (3) directional signs off the right-of-way. Said directional signs shall not exceed twenty-four (24) inches by eighteen (18) inches in size and shall be constructed of metal and shall be placed on a metal post.
- J. Temporary Advertising Signs (Length Of Time). Except as provided by ordinance, no person, persons, firm, corporation or partnership, except the City of St. Peters, shall be allowed to display any temporary sign for more than fifty-six (56) days per calendar year. The maximum consecutive days a temporary sign may be displayed is twenty-eight (28) days. A maximum of one (1) temporary sign may be displayed at one time for each business. In addition, temporary flags and tall balloons in the shape of a character or item (air dancers) may be displayed no more than fifty-six (56) days per calendar year. Temporary signs and temporary flags and tall balloons in the shape of a character or item (air dancers) must be located on the same lot or within the same development where the activity/business is located. A maximum of three (3) flags identifying a business or product and one (1) tall balloon (air dancer) shall be permitted per business. Temporary flags and tall balloons in the shape of a character or item (air dancers) shall be set back from the street pavement a minimum of ten (10) feet. In addition, signs advertising a position for hire may be posted for an additional twenty-one (21) days per year; said signs may not exceed sixteen (16) square feet in area. **[Ord. No. 6219 § 1, 9-11-2014]**
- K. Size Of Temporary Signs. All temporary signs in zoning districts "A-1", "R-1", "R-2", "R-3", "R-4", "R-M" and residential "PUD" shall not exceed six (6) square feet and all temporary signs in all other zoning districts shall not exceed thirty-two (32) square feet except temporary wall signs may be five percent (5%) of the wall area or thirty-two (32) square feet, whichever is greater.
- L. Cold Air Balloons. Cold air balloons are permitted at a height not to exceed thirty-two (32) feet. Each business is permitted one (1) such advertising device per quarter for a period not to exceed seven (7) days. Such aids may not be placed on the roof of the building. A permit application shall be submitted to and approved by the Administrative Officer prior to erection.
- M. Search Lights. Search lights may not interfere with the normal use of adjacent property or cause interference to motor vehicle or pedestrian traffic. Each business is permitted two (2) such advertising devices per calendar year for a period not to exceed seven (7) days each. Such devices may not be placed on the roof of a building. Search lights shall be required to submit a permit and receive approval from the Administrative Officer prior to use.
- N. Grand Openings. New businesses or business under new ownership or new name may use pendants and streamers only as a part of a grand opening event for up to seven (7) days. Such pendants and streamers must be in good condition, free from dirt or missing pieces.

- O. **Garage And Yard Sales.** No temporary sign advertising a garage or yard sale shall be placed on any residentially zoned property other than the property on which such sale takes place without consent of the owner of such property. This Section shall apply to signs advertising yard or garage sales, provided such signs for garage or yard sales are removed within two (2) days following the last day of such yard or garage sale.
- P. **Commercial Construction Signs.** Builders and developers of commercial buildings may erect no more than two (2) signs relating to the construction or financing of a future business. Each sign may not exceed thirty-two (32) square feet in size. The signs must be grouped onto the same set of supports. Such signs shall be removed not more than seven (7) days after construction is concluded or thirty (30) days after construction activity has been suspended. In lieu of these signs, signs relating to the construction or financing of a future business may be placed on trailers. A maximum of two (2) signs on trailers shall be permitted for each building. Signs on trailers are subject to the same requirements for removal as other construction signs. No permit shall be required.
- Q. **Commercial Real Estate Signage.** Temporary signs placed on private property for the sale or lease thereof shall not exceed the following:
1. Vacant Ground. Thirty-two (32) square feet.
 2. Building. Sixteen (16) square feet.
- R. **Residential Construction Project Signs.**
1. Notwithstanding any other provisions of this Article, builders and developers of residential subdivisions or buildings may erect directional signage as follows.
 2. No permit is required unless otherwise specified by Building Code requirements.
 3. Weekend Subdivision Directional Signage.
 - a. Weekend signage for new subdivisions and residential developments of any type shall be within sign plazas (grouped signs) approved by the City and installed per the City's agreement with an approved vendor, or signs may be placed or displayed before sunrise on Saturday and removed no later than sunset on Sunday (of the same weekend), at which time all poles and stakes must be completely removed. No permit shall be required.
 - b. Signs are limited to the name of the subdivision, developer and directions to the specific subdivision and shall not exceed four (4) square feet in size or four (4) feet in height.
 - c. No sign shall be attached to any existing utility structure, tree, fence or any public or private signage structure.
 - d. Sign plazas or signs may be placed in the public right-of-way but may not obstruct visibility for pedestrians or vehicles.

4. Subdivision Directional Signage.

- a. Signs may be placed during active sales and construction of homes. After ninety percent (90%) of the units are sold, the City, at its discretion, can require such signs to be removed if active marketing and construction of homes has ceased.
- b. Signs are limited to the name of the subdivision, developer and directions to the specific subdivision and shall be limited in size to the panels within the approved sign plazas, shall be limited to sixteen (16) square feet in size and four (4) feet in height.
- c. Signs shall be self-supporting. No sign shall be attached to any existing utility structure, tree, fence or any public or private signage structure.
- d. Signs not placed in sign plazas must be placed a minimum of ten (10) feet back from the edge of the right-of-way and may not obstruct visibility for pedestrians or vehicles. The owner of such signs must obtain written permission from the property owner for the placement of the sign.
- e. No more than four (4) such signs, including panels in sign plazas, may be erected or installed and must be located a minimum of two hundred (200) feet apart.

5. Subdivision Entrance Promotional Signs.

- a. Signs may be placed during active sales and construction of homes. A building permit shall be required. After ninety percent (90%) of the units are sold, the City, at its discretion, can require such signs to be removed if active marketing and construction of homes has ceased.
- b. Signs are limited to the name of the subdivision, developer, features or other pertinent information specific to the subdivision and shall not exceed one hundred twenty (120) square feet in size and not more than twenty-five (25) feet in height.
- c. A maximum of two (2) signs shall be placed at the entrance to the subdivision, a minimum of ten (10) feet back from the edge of the right-of-way and may not obstruct visibility for pedestrians or vehicles.
- d. Signs shall be self-supporting. No sign shall be attached to any existing utility structure, tree, fence or any public or private signage structure.
- e. Banners may be installed in lieu of signs. The content on banners is subject to the same information restrictions as detailed in Subsection (5)(b) above. A maximum of six (6) banners may be installed along the right-of-way which abuts or is near the subject subdivision in lieu of two (2) signs; three (3) banners may be installed in lieu of one (1) sign. The banners may not exceed two (2) feet in horizontal measurement or six (6) feet in vertical measurement including all brackets required for such banner. Banners may be affixed to public utility poles but only after securing written authority to do so from the owner of the utility pole.

- f. Signs attached to a tractor-trailer may be installed in lieu of one (1) entrance sign. Trailers shall be located a minimum of ten (10) feet back from the edge of the right-of-way and shall not cause a sight visibility obstruction. Trailers shall be skirted from the bottom of the trailer to the ground. Trailers shall be placed on a paved surface unless they are located in a development or construction area where signs must be placed on a gravel or dust-free surface.
- S. Banners In Zoning District "S-D" Special Old Town Overlay District And Other General Rights-Of-Way. The provisions of this Subsection shall apply only to zoning district "S-D" Special Old Town Overlay District rights-of-way as designated by the City, and utility easements as designated by the City.
 1. Placement Of Banners. Notwithstanding any other provision of the ordinances of the City of St. Peters, the placement of banners on utility poles situated on the street and road rights-of-way of the City of St. Peters is permitted under these terms and conditions:
 - a. A temporary sign permit as required by the ordinances of the City of St. Peters be secured for each banner.
 - b. The banners relate to a civic condition or event, or are part of a City sponsored or endorsed banner program.
 - c. All such banners be securely affixed to a public utility pole, but only after securing written authority to do so from the owner of the utility pole.
 - d. All banners affixed to public utility poles be not more than two (2) feet in horizontal measurement and not more than six (6) feet in vertical measurement, including all brackets required for such banner. Banners which are part of a City sponsored or endorsed program may exceed the stated size.
 - e. The bottom of the banner be not less than ten (10) feet above ground level.
 - f. The banner not be displayed for more than ninety (90) days unless waived by the Administrative Officer.
 - g. The banner and its affixing device be maintained in good condition.
 - h. Approval for the placing of such banners be secured from all public authorities having jurisdiction over the public roadway or street.
 2. City's Removal Of Banners. The City of St. Peters shall remove banners displayed in accordance with this Subsection if:
 - a. A banner becomes unsightly.
 - b. The banner is displayed for a period of time longer than provided in Subparagraph (1)(f) of this Subsection.
 - c. The banner violates any provision of Subparagraph (1) of this Subsection.

- d. The banner constitutes a hazard to the public safety and welfare of the residents of the City of St. Peters or persons traveling on the public streets and roadways of the City.
3. On a corner lot, no planting or other obstruction to vision extending to a height in excess of twenty-four (24) inches above the established street grade shall be erected, planted or maintained within the sight distance as established per Section 405.340.

Section 405.755. Penalty. [R.O. 2007 § 405.755; Ord. No. 1523 § 9.0623, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3530 § 1, 9-27-2001]

Any person, firm, corporation or partnership who shall violate any provisions of this Article, and be found guilty of such offense, shall be deemed guilty of an ordinance violation. Any owner of property who suffers or permits such temporary signs to be placed on his/her property, or remain on his/her property in violation of the Article shall, upon being found guilty of such violation, be deemed to be guilty of an ordinance violation, but the fine imposed on such property owner shall be limited to ten dollars (\$10.00) with each day constituting a separate offense.

Section 405.760. Miscellaneous Provisions. [R.O. 2007 § 405.760; Ord. No. 1523 § 9.0700, 5-11-1989]

- A. The following provisions are applicable to all signs subject to the regulations of this Article:
 1. All signs must be maintained in good repair at all times.
 2. No signs other than those authorized by City regulations shall be erected or posted on City street right-of-way or other public properties.
 3. Underground wiring shall be required for all illuminated or electrical ground type signs.
 4. No sign shall violate the corner visibility regulations. (See Article VI, "Supplementary Regulations".)
 5. All signs must meet the City's Building Code and other applicable regulations.

Section 405.765. Billboards (Off-Premises Signs). [R.O. 2007 § 405.765; Ord. No. 1523 §§ 9.0800 — 9.0804, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 2168 § 1, 7-28-1994; Ord. No. 2516 § 1, 8-8-1996; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 2920 § 1, 9-10-1998; Ord. No. 3558 § 1, 11-15-2001; Ord. No. 5096 § 5, 10-23-2008; Ord. No. 5132 § 20, 1-8-2009; Ord. No. 5233 § 1, 7-23-2009; Ord. No. 5339 § 16, 2-25-2010]

A. Intent And Purpose.

1. Within the previous Sections, sign regulations applied specifically to on-premises advertising. However, the City recognizes another classification of signage which advertises goods and/or services available off the premises. Said signs exist primarily for the directing or communicating with the

traveling public. Because such signs are freestanding and their content is not necessarily related to the uses of the premises upon which it is erected, billboards for purposes of this Article are considered a distinct business. This distinction is the basis for treating billboards separately from on-premises advertising.

2. The intent of this Section is to provide reasonable restrictions to:
 - a. Eliminate hazards to pedestrians and motorists brought about by distracting sign displays.
 - b. Improve the appearance of the City.
 - c. Promote the general safety and welfare of the public.

B. Permitted Zones.

1. Billboards or outdoor signage pertaining to "off-premises" shall be a permitted use in all zoning districts except the following listed below, or unless specifically prohibited within that district's regulations.
 - a. "SD" Special Old Town Overlay District.
 - b. St. Peters Special Districts "SD-1", "SD-OC", "SD-RC", and "SD-LI".
 - c. "R" Districts.
 - d. "C-1" and "C-2" Districts.
2. Billboards shall only be allowed along Interstate Highway 70, Missouri State 94 and along State numbered routes of three (3) or more lanes in each direction, which intersect with or have an interchange with Interstate Highway 70, within two thousand (2,000) feet of the main driving lanes on Interstate Highway 70.

C. General Provisions.

1. A one-time fee for the permit application shall be as stated in Appendix A to this Title IV. As per Sections 605.920 et seq. (regulating business licenses for outdoor advertising) the sign applicant must also obtain a business license. The business license term shall be from January 1 through December 31 of each year. The license fee for each billboard shall be as adopted by ordinance and shall not be prorated.
2. Before any City sign permit is valid, billboards or other outdoor advertising must comply with all State and Federal laws.
3. Non-Conforming Or Abandoned Signs. Where a sign structure does not include advertising information other than for the use of the sign for a period of one hundred twenty (120) continuous days, such sign structure shall be deemed in violation thereafter and shall be removed. Non-conforming signage shall be removed or brought into compliance within ninety (90) days from changes in State Statutes pertaining to off-premises advertising signage.

4. No sign or billboard (off-premise sign) shall be permitted which contains obscene statements, words, or pictures.
5. No sign shall be placed on rocks, trees or on poles maintained by public utilities.
6. All outdoor advertising signs erected in the City shall be documented by a registered engineer to withstand wind pressures of no less than fifteen (15) pounds per square foot.
7. The Administrative Officer may require any additional information as deemed necessary to protect the health, safety and general welfare of the public.

D. Signs Permitted. Lighting restrictions, size, location and specifications:

1. Lighting. No sign shall be permitted which is an imitation of, or which resembles an official control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal or traffic sight lines. Illuminated signs shall be so constructed as to avoid glares or reflection on any portion of an adjacent highway or residential buildings. However, no flashing or rotating flashing illumination shall be permitted.
 - a. Electronic billboards shall be subject to the following criteria:
 - (1) The full off-premises sign image or any portion thereof must have a minimum duration of ten (10) seconds and no portion of the image may flash, twirl, change color or in any matter imitate movement although written messages shall be permitted to scroll across the sign.
 - (2) No portion of any billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
 - (3) When the full billboard image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization.
 - (4) The sign must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of three hundred (300) nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness. **[Ord. No. 6219 § 1, 9-11-2014]**
 - (5) No portion of any billboard may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.

- (6) Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between dusk and dawn.
 - (7) Audio speakers are prohibited in association with a billboard.
- 2. Location And Spacing. All billboards must be erected in the permitted zones along the highway and corridors specified and must meet the following location requirements:
 - a. No sign structure shall be hereafter erected within one (1) mile of an existing sign on the same side of the highway. This distance shall be measured along the nearest edge of the pavement at points directly opposite the signs along each side of the highway. This shall apply to only outdoor advertising sign structures located on the same side of the highway involved.
 - b. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
 - c. No portion of any sign shall be located within a six hundred sixty (660) feet radius of any point of any residence or residentially zoned district.
 - d. No outdoor advertising sign shall be placed closer than one thousand (1,000) feet to the beginning or end of an interchange ramp taper of a dual or proposed dual highway. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
 - e. All outdoor advertising signs shall be required to meet the yard provisions in the districts in which they are permitted. The front yard setback from the road right-of-way shall be a minimum of thirty (30) feet.
 - f. No sign shall be located on the right-of-way of any road or on any slope or drainage easement for such road.
 - g. No portion of a billboard shall be placed within a fifty (50) foot radius of any point of a building.
 - h. All outdoor advertising signs shall be placed on a separate lot as established by Subdivision Regulations contained in this Title.
- 3. Size.
 - a. The maximum area for any one (1) sign shall be three (3) times the size permitted in the zoning district with a maximum height of thirty (30) feet and a maximum length of sixty (60) feet, inclusive of border and trim but excluding the base, apron, or supports, and other structural members. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.

- b. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in V-type construction with not more than two (2) displays to each facing, but such sign structure shall be considered as one (1) sign.
4. Height. The maximum height shall not exceed forty-five (45) feet above ground level or the grade level of the adjoining street, whichever is higher.
5. Type. All outdoor advertising signage shall consist of a monopole type design. Electronic billboards shall be permitted with electronic messages which change no more frequently than every ten (10) seconds.

ARTICLE X
Planning Administration²¹

Section 405.770. Planning Administration. [R.O. 2007 § 405.770; Ord. No. 1523 § 10.0100, 5-11-1989; Ord. No. 2120 § 1, 3-10-1994]

- A. The Administrative Officer shall administer and enforce the provisions of this Chapter. The Administrative Officer shall be any person designated as such by the Governing Body of the City. The powers and duties of the Administrative Officer shall be, but are not limited to, the following:
1. Maintain permanent and current records pertaining to this Chapter, including, but not limited to, all maps, amendments and variances.
 2. Forward to the Planning and Zoning Commission all information and data necessary to perform their function under provisions of this Chapter.
 3. Forward to the Board of Adjustment applications for variances, interpretive relief, or other matters on which the Board of Adjustment is required to act under this Chapter.
 4. Initiate a review of the provisions of this Chapter and the Zoning District Map at least every two (2) years and make findings available to the Commission for their consideration.
 5. Enforce all provisions of this Chapter and provide specific notification of violations. If violations are not abated in a reasonable time period, as specified, it is the Administrative Officer's responsibility to document the uncorrected violation and forward said document to the Municipal Court Clerk for further legal action.
 6. Review and verify for zoning compliance the usage associated with each application for an occupancy permit consistent with applicable City ordinances prior to issuance of a business license.

Section 405.775. Amendments And Changes. [R.O. 2007 § 405.775; Ord. No. 1523 § 10.0200, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 1720 § 1, 2-14-1991; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3143 § 1, 11-18-1999; Ord. No. 3159 § 1, 12-16-1999; Ord. No. 3280 § 1, 8-10-2000; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 4398 § 1, 12-15-2005; Ord. No. 5502 § 2, 11-18-2010]

- A. The Board of Aldermen of the City may by ordinance, from time to time, in the manner hereinafter set forth, repeal, amend, modify, supplement or change the regulations, restrictions and boundaries of the zoning districts which are herein or hereinafter enacted whenever the general welfare of the public and the residents of the City will, in the opinion of the Board of Aldermen, be promoted by such repeal, amendment, modification, supplement or change of zoning.
- B. Any repeal, amendment, modification, supplement or change to the regulations and restrictions and boundaries of the zoning districts may be initiated by the

21. Cross Reference — As to license required for outdoor advertising signs, etc., see §§ 605.920 et seq. of this code.

Administrative Officer, the Planning and Zoning Commission or the Board of Aldermen. In addition, a change to the boundaries of a zoning district may be initiated by a petition of the owners of the property to be affected by the proposed change consistent with the requirements of this Section.

C. Petitions For Changes To Zoning District Boundaries.

1. A petition for change to the boundaries of any zoning district shall be submitted by the owners of the real property to be affected by the proposed change on petition forms provided by the Administrative Officer. Each petition shall be filed with the Administrative Officer and be accompanied by pertinent data as prescribed on the form and any additional information deemed necessary by the Administrative Officer.
2. A fee, as stated in Appendix A of Title IV of the St. Peters City Code, shall be paid to the City for each petition for a change to the boundaries of a zoning district to cover the costs of advertising, notification, and other administrative expenses associated with the petition.
3. A petition for a change to the boundaries of a zoning district shall be signed by all fee owners of the real property to be affected by the proposed change or by their agent or agents having authority to sign the application on their behalf, accompanied by proper evidence of such agency relationship, and by the applicant, if other than the fee owners. The petition shall be submitted to the Administrative Officer and shall contain or be submitted concurrently with the following information:
 - a. A legal description of the real property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
 - b. Acreage of the real property to be affected; and a scaled map of such real property correlated with its legal description and clearly showing the real property's location;
 - c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the St. Charles County Recorder of Deeds evidencing such ownership;
 - d. The date of filing with the Administrative Officer;
 - e. The present zoning and proposed change of zoning for the real property;
 - f. The existing use(s) and proposed use(s) of such real property; and
 - g. The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the petition must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means.

4. Procedure.

- a. Upon receipt of a completed petition for change to the boundaries of a zoning district and the accompanying fee, the Administrative Officer shall submit the petition to the Planning and Zoning Commission who shall hold a public hearing on the proposed change to the boundaries of the zoning district. All such petitions shall be set down for a hearing before the Planning and Zoning Commission not later than sixty (60) days from the date of receipt of a completed petition. Any such hearing may be continued at the request of the applicant upon a showing of good cause or at the discretion of the Commission or Administrative Officer.
 - b. Additional Notice Requirements. In addition the notice requirements of Subsection (D) of this Section, in the case of a proposed change to the boundaries of any zoning district initiated by a petition filed pursuant to this Section, the City shall:
 - (1) Make a good faith effort to send three (3) letters, via regular mail, to the landowners of record of all real property located, in whole or in part, within one thousand (1,000) feet of the boundaries of the real property to be affected by the proposed change. The first of such letters shall be sent at least fifteen (15) days prior to the date of the public hearing before the Planning and Zoning Commission. Said letter shall include the notice of the public hearing to be held before the Planning and Zoning Commission stating the date, time and place and the reason for such public hearing. Subsequent letters shall be sent on separate days, each being sent no later than the date of the public hearing before the Planning and Zoning Commission;
 - (2) Post a sign indicating the date and time of the public hearing before the Planning and Zoning Commission on the real property to be affected by the proposed change. The sign shall be posted at least fifteen (15) days prior to the date of the public hearing before the Planning and Zoning Commission; and
 - (3) Post signs near the entrances to all subdivisions adjacent to the real property to be affected by the proposed change to the boundaries of the zoning district.
 - c. After the close of the public hearing, the Planning and Zoning Commission shall make written recommendations to the Board of Aldermen.
- D. Public Hearings. No amendment, supplement, change or modification to the regulations, restrictions and boundaries of the zoning districts which are herein or hereinafter enacted shall become effective until after a public hearing is held in relation thereto before the Planning and Zoning Commission, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of any hearing required pursuant to this Section shall be published in a newspaper of general circulation in the City.
- E. In case of a protest filed with the City against a proposed change to the boundaries

of a zoning district duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (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 (2/3) of all the members of the Board of Aldermen.

- F. The Planning and Zoning Commission shall submit a written recommendation regarding each proposed amendment, supplement, change or modification to the regulations, restrictions and boundaries of the zoning districts to the Board of Aldermen unless a petition for change to the boundaries of the zoning district has been withdrawn by the applicant in writing. The Board shall not act upon any such amendment, supplement, change or modification until it has received a written recommendation from the Planning and Zoning Commission on the proposed amendment, supplement, change or modification.
- G. Upon receipt of the recommendation from the Planning and Zoning Commission, the Board of Aldermen may act on the proposed amendment, supplement, change or modification to the regulations, restrictions and boundaries of the zoning districts.
- H. No petition for change to the boundaries of a zoning district shall be considered by the Planning and Zoning Commission or the Board of Aldermen if the real property to be affected by the proposed change was the subject of a similar petition that was denied by the Board of Aldermen, whether by means of an affirmative vote of the Board of Aldermen to reject the bill proposing the change to the boundaries of the zoning district or upon the failure of the bill to pass as an ordinance for lack of sufficient votes in favor, within ninety (90) days prior to the submittal of such petition to the Administrative Officer.

Section 405.780. Special Use Permit. [R.O. 2007 § 405.780; Ord. No. 1523 §§ 10.0300 — 10.0306, 5-11-1989; Ord. No. 2770 § 1, 11-13-1997; Ord. No. 3580 § 1, 1-10-2001; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 3701 § 1, 9-12-2002; Ord. No. 5132 § 21, 1-8-2009; Ord. No. 5486 § 4, 10-14-2010; Ord. No. 6249 § 24, 10-23-2014; Ord. No. 7165, 6-27-2019]

- A. Intent And Purpose. In this Zoning Code, the City has set forth zoning districts within which the use of land and structures and the bulk and location of structures in relation to the land are to be substantially uniform. It is recognized, however, that there are certain uses that are desirable, necessary or convenient to the community, but which because of their unique characteristics and features cannot be classified in a particular district or districts without consideration, in each case, of the impact of such uses on the health, safety, morals and general welfare of the City. Such uses are therefore treated as special uses. A special use is not the right of any applicant. The City of St. Peters reserves the full discretion to deny any such application which it finds to be detrimental to the health, safety, morals and general welfare of the inhabitants of the City.
- B. Authorization. The Planning and Zoning Commission may, after public notice and a hearing having been conducted on an application, authorize the issuance of a

special use permit. In acting upon any application, the Planning and Zoning Commission shall give due consideration to the standards and conditions prescribed in this Section and shall grant such permits if it finds, in its judgment, that such action is in the best interest of the public health, safety, morals and welfare of the residents of the City.

C. Procedure.

1. Public Hearing. Upon receiving a complete application for a special use permit and the accompanying fee, the Administrative Officer shall submit the special use permit application to the Planning and Zoning Commission who shall publish a notice and hold a public hearing on the proposed special use. All such applications shall be set down for a public hearing before the Planning and Zoning Commission not later than sixty-five (65) days from the date of receipt of a complete application. Procedures for such public hearing shall be handled in the same manner as a zoning district amendment as set forth in Section 405.775 of this Code.
2. Determination Of The Commission. After review of the application for a special use and the conduct of a public hearing, the Planning and Zoning Commission shall make a determination as to whether or not the standards described in Subsection (E) of this Section have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Planning and Zoning Commission shall either:
 - a. Postpone consideration of a special use permit due to lack of sufficient information;
 - b. Approve the special use permit;
 - c. Approve the special use permit with conditions; or
 - d. Deny the special use permit.

D. Filing Of Application And Fees.

1. Application for any special use permit permissible under the provisions of this Chapter shall be made on an application form provided by the Administrative Officer. Each application shall be filed with the Administrative Officer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the Administrative Officer. The application shall be accompanied by the fee set forth in Appendix A of Title IV of the St. Peters City Code, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.
2. An application for a special use permit shall be signed by all fee owners of the real property for which the special use is sought or by their agent or agents having authority to sign the petition on their behalf, accompanied by proper evidence of such agency relationship, and by the applicant, if other than the fee owners. The petition shall be submitted to the Administrative Officer and

shall contain or be submitted concurrently with the following information:

- a. A legal description of the real property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
- b. Acreage of the real property to be affected;
- c. A scaled map of such real property, correlated with its legal description and clearly showing the real property's location;
- d. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
- e. The date of filing with the Administrative Officer;
- f. The present zoning for the real property;
- g. The existing use(s) and proposed use(s) of such real property;
- h. The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means; and
- i. A concept plan indicating the following:
 - (1) Building(s) outline.
 - (2) Curb cuts.
 - (3) Boundaries of the subject real property.
 - (4) Adjacent or connecting streets and their names.
 - (5) Other items as deemed necessary by the Administrative Officer which may include but are not necessarily limited to:
 - (a) Floor area,
 - (b) Parking areas and parking calculations,
 - (c) Cross access easements with adjacent parcels, if applicable,
 - (d) Site features including light standards, trash enclosures, fencing,
 - (e) General location of landscaping,
 - (f) Front, rear and side yard setbacks.
 - (6) A site plan in compliance with Section 405.460(D) may be

submitted in lieu of a concept plan.

E. Standards For Special Use Permit Approval.

1. Approval or denial of a special use permit shall be based upon the following criteria:
 - a. The proposed special use complies with all applicable provisions of the St. Peters City Code, including intensity of use regulations, setback regulations and use limitations.
 - b. The proposed special use on the specified real property will contribute to and promote the general, welfare, health, safety and convenience of the public.
 - c. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the real property with respect to streets giving access to it are such that the special use will not adversely affect the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will adversely affect the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls and fences on the real property; and
 - (2) The nature and extent of proposed landscaping and screening on the real property.
 - d. Off-street parking and loading areas will be provided in accordance with the standards set forth in the St. Peters City Code.
 - e. Adequate utility, drainage and other such necessary facilities have been or will be provided on the real property.
 - f. Adequate access roads, entrances and exit drives shall be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion on public streets and alleys.
 - g. In considering applications for a special use permit, the Planning and Zoning Commission shall require such conditions of use as either may deem necessary to protect the general welfare of the City and the surrounding real property and to achieve the objectives of this Chapter.
 - h. A time limitation may be imposed on the special uses identified in the district regulations contained in this Chapter. Said special use permit time limitations shall be renewable at the discretion of the Planning and Zoning Commission.
2. In recommending a special use permit, the Planning and Zoning Commission may impose terms, conditions and safeguards that either deem necessary to protect the general welfare of the City and the surrounding real property and

to achieve the objectives of this Chapter. These additional requirements may include, but are not necessarily limited to, any of the following:

- a. Requirements for front, side or rear yard setbacks, greater than the minimums required by this Chapter;
- b. Requirements for screening or landscaping of parking areas or other portions of the real property from adjoining real property or from the street;
- c. Limitations on egress and ingress so as to minimize congestion on City streets;
- d. Limitations on number of occupants, method or times of operation, or size of facilities;
- e. Regulation of number, design and location of off-street parking or other special features beyond the minimum required by this or other applicable St. Peters City Code provisions or regulations;
- f. Use limitations and/or requirements;
- g. Height and area limitations and/or requirements;
- h. Sign limitations and/or requirements; or
- i. Limitations and/or requirements for architectural elevations for any proposed structures.

A violation of a requirement, term, condition or safeguard contained in a special use permit shall be considered a violation of this Chapter, subject to penalties under Section 405.815 of the St. Peters City Code and grounds for the Planning and Zoning Commission to terminate and cancel such special use permit.

- F. **Extension Or Alterations.** Where an existing use which is permitted by a special use permit is proposed to be extended or substantially altered in a manner which would in any way change the character or intensity of the use, such proposed extension or substantial alteration shall be treated as a new special use under this Section. Where a use, which is permitted by a special use permit, is proposed to be altered in a minor way, such proposed alteration shall be reviewed by the Planning and Zoning Commission at a regularly scheduled meeting.
- G. **Period Of Validity.**
 1. No special use permit granted by the Planning and Zoning Commission shall be valid for a period longer than one (1) year from the date of issuance of the special use permit, unless within such period:
 - a. A building permit is obtained and the erection or alteration of the real property and related structures, if any, is commenced, or
 - b. The use lawfully commenced.

2. The Planning and Zoning Commission may, upon written request of the applicant, grant extensions, to such time period not exceeding one hundred eighty (180) days each, without notice of hearing.
- H. Appeals. Notwithstanding the provisions of Section 405.800 of this Code to the contrary, procedures for appeals filed pursuant to this Section shall be, as follows:
1. Application For Appeal. Any applicant for a special use permit, fee owners of property subject to an application for a special use permit or other party aggrieved by a decision of the Planning and Zoning Commission under this Section shall have the right to appeal such decision to the Board of Adjustment. Such appeal must be filed within fifteen (15) days after the Planning and Zoning Commission decision (or if the filing date falls on a weekend or holiday, the next regular business day). The request for appeal shall be submitted, in writing, to the Administrative Officer accompanied by a fee of one hundred dollars (\$100.00), and duly signed and acknowledged by the person requesting the appeal. The cost of a court reporter for the public hearing shall also be paid by the person requesting the appeal. Each request for appeal must include the following:
 - a. The name, address, phone number and electronic mail address of the party filing the request for appeal;
 - b. A statement setting forth the standing of the party to file the appeal;
 - c. The Application Number on the application that is the subject of the appeal; and
 - d. A statement of the basis for the appeal, setting forth specific applicable facts and provisions of the City Code.
 2. Notice. After the filing of an appeal pursuant to this Section, the Administrative Officer shall promptly, and at least ten (10) days before the hearing, mail a notice of institution of the case to all necessary parties, if any, and to all persons designated, in writing, by the petitioner, intervenor, the applicant for the conditional use permit, and to any other persons to whom the Administrative Officer may determine that notice should be given:
 - a. The notice of institution of the case to be mailed as provided in this Section shall state in substance:
 - (1) The caption and number of the case;
 - (2) That an appeal has been filed in such case, the date it was filed, and the name of the party filing the same;
 - (3) A brief statement of the matter involved in the case unless a copy of the appeal or protest accompanies said notice;
 - (4) That a copy of the appeal may be obtained from the City Clerk, giving the address to which application for such a copy may be made. This may be omitted if the notice is accompanied by a copy of such appeal or protest;

- (5) A notice of hearing stating:
 - (a) The caption and number of the case; and
 - (b) The time and place of the hearing.
3. Intervening. Any owner of either of the areas of the property (exclusive of streets and alleys) described in the application for a conditional use permit subject to appeal or within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of such property may, no later than five (5) business days prior to the hearing, file with the Administrative Officer, a written petition to intervene as a party in the proceedings on any appeal duly signed and acknowledged by the intervening party. The petition shall be either hand delivered or delivered by mail and must be received during the regular business hours of the City. The Administrative Officer shall cause notice of the filing of a petition for intervention by mail or electronic mail, or other such written communication approved by the Administrative Officer, to all parties to the action. Any such petition to intervene as a party shall include the following:
 - a. The name, address, phone number and electronic mail address of the person(s) filing the petition;
 - b. A statement that the person(s) filing the petition has standing to intervene;
 - c. The address of the property owned by the intervening petitioner and the linear distance, measured in feet, of such property from the boundaries of the property described in the petition for a special use permit subject to appeal; and
 - d. A brief statement describing the intervening petitioner's interest relating to the property that is subject to the appeal.
4. Hearing Requirements. Unless the requirements for a hearing herein are expressly or implicitly waived by the parties, each hearing shall adhere to the formal evidentiary rules of Chapter 536, RSMo., as amended, including but not limited to, the following:
 - a. Oral evidence shall be taken only on oath or affirmation. Any person may provide oral testimony to the Board of Adjustment during a hearing. Unless extended by the Board of Adjustment after receipt of a written request for an extended time received by the Board of Adjustment at least five (5) days prior to the hearing and setting forth the reasons for the request for such an extension, the parties shall each be limited to fifteen (15) minutes of oral evidence before the Board of Adjustment. All other persons providing oral testimony before the Board of Adjustment at a hearing shall be limited to such time as the Board of Adjustment may deem appropriate prior to the commencement of the hearing, but not to exceed five (5) minutes;
 - b. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to

the issues even though that matter was not the subject of the direct examination, to impeach any witness regardless of which party first called him or her to testify, and to rebut the evidence against him or her. Any person providing oral testimony shall be subject to cross-examination;

- c. A party who does not testify in his or her own behalf may be called and examined as if under cross-examination;
- d. The Board of Adjustment shall cause all proceedings in hearings before it to be suitably recorded and preserved. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply;
- e. Records and documents of the City which are to be considered in the case shall be offered in evidence so as to become a part of the record, the same as any other evidence, but the records and documents may be considered as a part of the record by reference thereto when so offered;
- f. The Board of Adjustment shall take official notice of all matters of which the courts may take judicial notice;
- g. Evidence to which an objection is sustained shall, at the request of the party seeking to introduce the same, or at the instance of the Board of Adjustment, nevertheless be heard and preserved in the record, together with any cross-examination with respect thereto and any rebuttal thereof, unless it is wholly irrelevant, repetitious, privileged, or unduly long;
- h. Any evidence received without objection which has probative value shall be considered by the Board of Adjustment along with the other evidence presented. The rules of privilege shall be effective to the same extent that they are now or may hereafter be in civil actions. Irrelevant and unduly repetitious evidence may be excluded by the Board of Adjustment;
- i. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or otherwise that the copy offered is a true copy of the original, but the Board of Adjustment may, nevertheless, if it believes the interests of justice so require, sustain any objection to such evidence which would be sustained were the proffered evidence offered in a civil action in the circuit court, but if it does sustain such an objection, it shall give the party offering such evidence reasonable opportunity and, if necessary, opportunity at a later date, to establish by evidence the facts sought to be proved by the evidence to which such objection is sustained;
- j. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act,

transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind;

- k. The results of statistical examinations or studies, or of audits, compilations of figures, or surveys, involving interviews with many persons, or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence but such showing shall not affect its admissibility;
 - l. Each party shall be entitled to present written briefs at or after the hearing which shall be read by members of the Board of Adjustment who renders or joins in rendering the final decision;
 - m. Each member of the Board of Adjustment who renders or joins in rendering a final decision shall, prior to such final decision, either hear all the evidence, read the full record including all the evidence, or personally consider the portions of the record cited or referred to in the arguments or briefs.
5. Decisions In Writing. Every decision by the Board of Adjustment pursuant to this Section shall be in writing and shall include or be accompanied by findings of fact and conclusions of law. The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the Board of Adjustment bases its decision. Immediately upon rendering a decision, the Department of Planning shall give written notice of its decision by delivering or mailing such notice to each party, or his/her attorney of record, and shall upon request furnish him or her with a copy of the decision, order, and findings of fact and conclusions of law.

ARTICLE XI
Board of Adjustment

Section 405.785. Board Of Adjustment Created/Appointment. [R.O. 2007 § 405.785; Ord. No. 1523 §§ 10.0400 — 10.0401, 5-11-1989]

There is hereby created within and for the City a Board of Adjustment with the powers and duties as hereinafter set forth. The Mayor of the City, by and with the consent of the Board of Aldermen, shall appoint five (5) citizens to such Board.

Section 405.790. Membership. [R.O. 2007 § 405.790; Ord. No. 1523 § 10.0402, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 1752 § 1, 5-9-1991; Ord. No. 2840 § 1, 5-14-1998; Ord. No. 5969 § 1, 8-8-2013]

- A. The Board of Adjustment shall consist of five (5) members, who shall be residents of the City. The membership of the first Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each.
- B. The Board shall elect its own Chairman who shall serve for one (1) year.
- C. All members shall be removable for cause by the appointing authority upon written charges and after public hearings.
- D. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Administrative Officer shall notify the appointing authority in advance when terms of members are about to expire.
- E. The Mayor of the City, by and with the consent of the Board of Aldermen, shall appoint three (3) alternate members of the Board of Adjustment who shall each serve for a term of five (5) years. The alternate members of the Board of Adjustment shall serve only when a regular member of said Board is unable to act as a member of said Board on any matter before the Board, or when one (1) or more regular members is absent from a meeting of said Board. Such alternate members of the Board shall serve and act as regular members of the Board, except that such alternate members may not be elected Chairman or Secretary of the Board. The alternate members of the Board may be removed in accordance with this Section.
- F. All members of the Board of Adjustment shall be paid seventy-five dollars (\$75.00) per meeting for attendance at meetings of the Board of Adjustment, which compensation shall not exceed the sum of seventy-five dollars (\$75.00) paid in any one (1) month. Proof of attendance at meetings of the Board of Adjustment shall be noted in the official minutes of the proceedings of the Board.

Section 405.795. Procedure. [R.O. 2007 § 405.795; Ord. No. 1523 § 10.0403, 5-11-1989]

The Board shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his/her absence, the Vice-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 or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation or relief of this Chapter. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

Section 405.800. Appeals. [R.O. 2007 § 405.800; Ord. No. 1523 § 10.0404, 5-11-1989; Ord. No. 1617 § 1, 4-12-1990; Ord. No. 2120 § 1, 3-10-1994; Ord. No. 3622 § 1, 3-14-2002; Ord. No. 4300 § 1, 6-23-2005; Ord. No. 5132 § 22, 1-8-2009]

A. Application for appeals to this Chapter or other Chapters as allowed by the Municipal Code shall be processed in the following manner:

1. Appeal or variance from action resulting from the enactment of this Chapter shall be taken in the following manner:
 - a. Appeals or variances to the Board of Adjustment may be taken by anyone having a vested interest in the property being affected by the enactment of this Chapter. Such appeal shall be taken within ninety (90) days of the date of the action which is appealed.
 - b. A fee shall be paid to the City for each appeal or variance to help defray the costs of advertising and other administrative expenses involved. These administrative expenses shall include the cost of certified mailings. The Board of Aldermen and Planning and Zoning Commission shall be exempt from this fee.
 - c. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, names and any other information as may be requested by the Administrative Officer so as to completely describe the decisions or actions being appealed and the reason for such an appeal.
 - d. The Administrative Officer shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Adjustment along with his/her written record of the facts.
 - e. The Chairman of the Board Of Adjustment shall schedule one (1) or more public hearings (as deemed necessary) within sixty (60) days after an application is filed. The hearing(s) shall be published in a newspaper of general circulation in the town at least one (1) week prior to the hearing(s). The Administrative Officer shall post notice on the property involved for a period of one (1) week prior to the hearing(s) and shall send three (3) notices of the public hearing(s) by regular mail to the property owners within two hundred (200) feet of the property involved

in the appeal or variance. If no action is taken within ninety (90) days from the date of filing, the appeal shall be considered approved.

- f. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment that by reason of facts in the record a stay would, in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

Section 405.805. Appeal Or Variance Criteria. [R.O. 2007 § 405.805; Ord. No. 1523 § 10.0405, 5-11-1989]

A. There are two (2) types of requests which may be placed before the Board of Adjustment, they are as follows:

1. An Appeal For An Interpretation. The petitioner requests an interpretation of the zoning regulations and alleges the Administrative Officer has erred in the interpretation of a specific case.
2. A Request For A Variance.
 - a. The petitioner requests some variation in the dimensional requirements of the zoning regulations whereby their strict application would involve undue hardship.
 - b. There are different considerations which the Board of Adjustment must review in making determinations concerning appeals and variances:
 - (1) In reviewing an appeal for an interpretation, the Board of Adjustment may consider, but not be limited to, the following questions:
 - (a) What specific action was taken by the Administrative Officer?
 - (b) What specific Section of the Zoning Code did the official use as a basis for taking this action?
 - (c) What interpretation is the Administrative Officer making of this specific Section in the Zoning Code as it pertains to action taken?
 - (d) What interpretation is being made by the petitioner?
 - (2) In reviewing a variation, the Board of Adjustment may consider, but not be limited to, the following questions:
 - (a) If the petitioner complied with the provisions of this Zoning Code (doesn't obtain the variance he/she is requesting), will he/she not be able to get a reasonable return from, or make reasonable use of the property?

- (b) Does the hardship result from the strict application of these regulations?
- (c) Is the hardship suffered by the property in question?
- (d) Is the hardship the result of the applicant's own action?
- (e) Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?
- (f) If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

Section 405.810. Appeal To Circuit Court. [R.O. 2007 § 405.810; Ord. No. 1523 § 10.0406, 5-11-1989]

- A. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such (aggrieved) person or persons or any officer, department, board or bureau of the City may present to the Circuit Court of St. Charles County, Missouri, a petition duly verified. Said petition shall set forth that such decision is illegal, in whole or in part, and specify the grounds of its illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
- B. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
- C. The Board shall not be required to return the original papers acted upon by it; but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and all shall be verified.
- D. 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 findings of fact and conclusions of law. These 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.
- E. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

ARTICLE XII
Violations and Penalties

Section 405.815. Violations And Penalties. [R.O. 2007 § 405.815; Ord. No. 1523 §§ 10.0500 — 10.0503, 5-11-1989]

A. Penalties for violations of this Chapter shall be as follows:

1. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of Section 82.300, RSMo., however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
2. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
3. Nothing herein contained shall prevent the City from taking such other lawful action as it deems necessary to prevent or remedy any violation.

ARTICLE XIII
Miscellaneous Provisions

Section 405.820. Transference Of Control Of Trusteeship Or Other Forms Of Subdivision Governance Of Residential Subdivisions Required. [R.O. 2007 § 405.820; Ord. No. 1933 §§ 1 — 4, 11-12-1992]

- A. Definitions. For purposes of this Section only, the following terms shall have the meanings hereinafter subscribed to such terms:

DEVELOPER — The person, firm, corporation, partnership or other legal entity which subdivides a parcel of real estate into lots or units, and thereby creates a subdivision, tenders the original preliminary plat of the subdivision to the City of St. Peters, and receives approval by the City of said plat.

LOT — A defined area of land occupied or to be occupied by a building or unit group of buildings, together with a yard, if any, and shall include a dwelling or dwellings, whether separate or attached, designed for separate ownership and which have no separate yard.

PRELIMINARY PLAT — A map or plan of proposed land subdivision showing the character and proposed layout of a tract of land in sufficient detail to indicate the suitability of the proposed subdivision of land.

SUBDIVISION — A division or redivision of land into two (2) or more residential lots, tracts, sites or parcels for the purpose of transfer of ownership, which has been recorded with the Recorder of Deeds for St. Charles County.

SUBDIVISION MANAGERS — The developer(s), the members of the board of managers, or subdivision trustees or any other like organizations, whether incorporated or not, established by any subdivision indenture of covenants and restrictions, which have as their or its duties any one or more of the following:

1. The management or ownership or control of the streets, thoroughfares, ways and lanes in a subdivision which are not public ways and have not been accepted by the City of St. Peters for maintenance, or ownership management or control of common ground or entrance monuments identifying the subdivision.
 2. The enforcement of all restrictive covenants pertaining to land, common ground and lots within the subdivision.
- B. Minimum Requirements For Subdivision Covenants And Restrictions. From and after the effective date of this Section, November 12, 1992, any new residential subdivision platted for land development in the City of St. Peters, Missouri, shall be encumbered by an indenture of covenants which shall contain the following minimum requirements:
1. Indenture Of Covenants.
 - a. The indenture of covenants and restrictions of the subdivision shall provide that there shall be three (3) subdivision managers.
 - b. The indenture of covenants and restrictions of the subdivision shall

provide that when title to fifty percent (50%) of the lots depicted on the preliminary plat of the subdivision are transferred to owners other than the developer that within ninety (90) days thereof at least one (1) member of the subdivision managers shall have been elected by the lot owners who are not the developer.

- c. The indenture of covenants and restrictions of the subdivision shall provide that when title to seventy-five percent (75%) of the lots depicted on the preliminary plat or site development plan of the subdivision are transferred to owners other than the developer that within thirty (30) days thereof, at least two (2) of the members of the subdivision managers shall have been elected by the lot owners who are not the developer. **[Ord. No. 7192, 8-22-2019]**
 - d. The indenture of covenants and restrictions of the subdivision shall provide that when title to ninety percent (90%) of the lots depicted on the preliminary plat of the subdivision are transferred to owners other than the developer that within thirty (30) days thereof, all three (3) members of the subdivision managers shall have been elected by the lot owners who are not the developer. **[Ord. No. 6865, 11-9-2017]**
2. As long as the developer owns any lots within the subdivision, the covenants and restrictions of the subdivision may not be amended or declared without the concurrence of:
 - a. The developer, and
 - b. The majority of the lot owners other than the developer.
3. There shall be only one (1) class of members of subdivision managers.
4. Each subdivision having an indenture of covenants and restrictions shall assess a fee sufficient to cover the cost of enforcement of said covenants and restrictions.
5. At the time of the filing with the City of St. Peters, or any commission of the City of St. Peters responsible for review and approval of subdivision plats, by the developer of the first final plat for a subdivision, the developer shall also file proof satisfactory to the City of St. Peters that the developer has deposited in a Trust Account the sum of two thousand dollars (\$2,000.00) for the benefit of subdivision lot owners, other than the developer (the "Trust Account"). A land title company or Federally insured banking institution selected by the developer shall serve as trustee for this Trust Account. Any required compensation for such service as trustee shall be paid by the developer. The instrument of trust for the Trust Account shall specify that when ten (10) or more lots are sold in the subdivision to lot owners other than the developer, then upon written request of a majority of such lot owners other than the developer, the trustee of the Trust Account shall pay over to or for the benefit of said lot owners, or any attorney designated by the said lot owners, up to the sum of two thousand dollars (\$2,000.00) for the reasonable costs and expenses of a lawsuit or lawsuits to enforce any subdivision covenant and/or restriction which is not being enforced by the subdivision managers. Said sum shall be

paid over to said persons only when the request for payment for said sum is accompanied by written proof that:

- a. Demand has been made upon the subdivision managers for the subdivision managers to sue to enforce such subdivision covenant or restriction, but that the subdivision managers have failed or refused to comply with such request, and;
 - b. Formal written demand has been made upon the person(s) or entity(ies) allegedly not in compliance with the covenant or restriction, by which demand was made that such person(s) or entity(ies) come into compliance with the said covenant or restriction within a specified period of time, not less than ten (10) days in length, but that the said person or entity has failed to comply with the demand. This Trust Account shall automatically expire and unexpended sums remaining in the Trust Account shall be paid over to the subdivision managers at such time as all three (3) subdivision managers are elected by the lot owners who are not the developer.
- C. **Applicability And Non-Applicability.** This Section shall pertain solely to subdivisions where a preliminary plat has been filed subsequent to November 12, 1992. This Section shall not apply to any condominium hereinafter established under the provisions of Chapter 448, RSMo.
- D. **Plat Approvals And Building Permits.** No final plat of any part of any subdivision shall be approved by the City of St. Peters or any commission of the City of St. Peters unless the minimum requirements of this Section are contained within the indenture of covenants and restrictions pertaining to such final plat. No building permit shall be issued to any developer by the City of St. Peters for improvements on a lot in the subdivision unless all of the provisions of this Section are contained in the covenants and restrictions and developer is in full compliance with such covenants and restrictions. No other inquiry or demands shall be made as to the contents of any indenture of covenants and restrictions of any subdivision by the City of St. Peters, or any commission of the City of St. Peters, other than to insure compliance with the minimum requirements of this Section.

