



# **City of St. Louis**

Gratiot County, Michigan

# **Zoning Ordinance 2011**

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## ORDINANCE NO. B-216

THE CITY OF SAINT LOUIS ORDAINS:

# Article 1

## Title and Purpose

### Sec. 1.1. Short Title

This Ordinance shall be known as the Zoning Ordinance of the City of St. Louis.

### Sec. 1.2. Purpose

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, the provisions of this Ordinance are intended to provide for adequate light, air and convenience of access; lessen congestion in the streets; to secure safety from fire and other dangers; to avoid undue concentration of population by regulating and limiting the use of land, the height and bulk of buildings wherever erected; to limit and determine the size of yards and other open spaces; to regulate the density of population; and to conserve the value of property and encourage the most appropriate use of land throughout the City of St. Louis.

### Sec. 1.3. Scope

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implied to be repealed by this Ordinance, or any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or required greater lot area or larger yards or other open spaces than are imposed or required by such rules, regulations or permits or by such private restrictions, the provisions of this Ordinance shall control.



## Article 2 Definitions

### Sec. 2.1. General

When not inconsistent with the context, words in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" or vice versa. Terms not defined shall have the meaning customarily assigned to them.

### Sec. 2.2. Specific Terms

For the purpose of this Ordinance, the following definitions apply, unless the context clearly indicates or requires a different meaning.

### Sec. 2.3. Definitions

#### **ABANDONMENT**

The cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

#### **ABUTTING**

Having property or district line in common e.g., two lots are abutting if they have property lines in common.

#### **ACCESS**

A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

#### **ACCESSORY BUILDING OR STRUCTURE**

A subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building.

#### **ACCESSORY USE**

A use naturally and normally incident and subordinate to a principal use on the same premises.

#### **ADDITION**

A structure added to the original structure at some time after the completion of the original.

#### **ADJOINING LOT OR LAND**

A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

### **ADULT BOOK STORE**

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, pictures, video, or films depicting, describing, or relating to "specified sexual activities," or which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas." In determining whether certain materials constitute a substantial or significant portion of the total stock in trade of an establishment, the following may be considered, together with all other relevant factors:

- (1) If the materials in question are located or displayed on the main traffic aisles or in close proximity to the public entrances or exits of the establishment, it shall indicate that the materials are a significant or substantial portion of the stock in trade.
- (2) If the general stock in trade of the establishment is available for observation and inspection by and/or sale to the general public, while the material in question is available for inspection and observation by and for sale to only a limited segment of the public, if it shall indicate that the materials are an insignificant and insubstantial portion of the total stock in trade.
- (3) If the material in question or its subject matter or the general subject emphasis of its product line is advertised to the general public by signs, posts or any other means (including, but not limited to, the name of the establishment), which are either visible from the exterior of the establishment or published for public consumption in the press or electronic media or billboards or hand fliers or any other means whatsoever, then it shall be presumed that the material in question constitutes a significant portion of the total stock in trade.

### **ADULT FOSTER CARE HOME**

A private home licensed by the State government for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

### **ADULT LIVE ENTERTAINMENT ESTABLISHMENT**

An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

### **ADULT THEATER**

An indoor or outdoor theater used for presenting by film, tape, or other means, material depicting, describing, or relating to "specified sexual activities" or which is characterized by its emphasis on matter depicting, describing, or relating to "specified anatomical areas" for observation by patrons therein.

### **AIRPORT**

A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

### **AIR RIGHT**

The rights to the space above a property, for development.

### **AISLE**

The traveled way by which cars enter and depart parking places.

**ALLEY**

A public way which affords only secondary access to abutting property, and not a STREET as defined.

**ALTERATION**

A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building or part thereof, or the relocation of a building.

**AMENITY**

A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

**AMORTIZATION**

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**ANIMAL (LARGE)**

A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

**ANIMAL (SMALL)**

A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

**ANIMAL HOSPITAL**

A facility used for the medical care and treatment and temporary housing of animals.

**APARTMENT HOUSE**

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

- (1) Efficiency Apartment is a dwelling unit containing not over four hundred and fifty (450) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- (2) One Bedroom Unit is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
- (3) Two Bedroom Unit is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.

- (4) Three or More Bedroom Unit is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

#### **APPEALS**

The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

#### **APPLICANT**

A person or entity submitting an application for review and action by the City or any of its departments or commissions.

#### **ASSEMBLY ACTIVITY**

Relates to the assembly and accessibility of finished goods such as autos, trailers, vans, furniture, etc. excluding raw material, manufacturing, stamping, or processing.

#### **ASSEMBLY BUILDING**

A structure used for meetings.

#### **ATTACHED**

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

#### **ATTACHED GARAGE**

An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

#### **ATTIC**

That part of a building which is immediately below the ceiling beams of the top story and wholly or partly within the roof framing.

#### **AUTOMATIC CAR WASH**

A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

#### **AUTOMOBILE OR TRAILER SALES AREA**

An area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

#### **AUTOMOBILE REPAIR SHOP**

A garage or building used for the repair or servicing of automobiles, trucks, boats, trailers or other similar conveyances not owned by the owner or lessee of said building or garage.

**AUTOMOBILE SALVAGE**

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts.

**AUTOMOBILE SERVICE STATION OR FILLING STATION**

A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises. A service station may include automobile vehicle repair.

**AUTOMOBILE STORAGE, DAMAGED**

Any storage of inoperable vehicles not incidental to a service garage.

**AUTOMOBILE WASHING ESTABLISHMENT - SELF SERVICE**

A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles, including automatic car wash.

**BANK**

A financial institution.

**BASEMENT**

A room or portion thereof, or any portion of a building which has a floor level more than three feet below ground containing any of the following features.

- (1) Mechanical equipment such as heating, metering, or laundry facilities.
- (2) No doorway opening directly to ground level or upon a hallway with such a doorway.
- (3) No sash windows.

**BED AND BREAKFAST OPERATIONS**

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

**BERM, OBSCURING**

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

**BILLBOARD OR SIGN BOARD**

Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not include any sign used for official notices issued by a court or public body.

**BLOCK**

A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

**BOARD**

Wherever the word "Board" is used it refers to the Board of Appeals.

**BOARDING HOUSE OR ROOMING HOUSE**

- (1) Basement shall mean a portion of the building partly underground, but having less than one-half (1/2) of its clear floor to ceiling height below the average grade of the adjoining ground.
- (2) Building Code shall mean the edition and supplements to the Building Code adopted in Section 6.2.
- (3) Cellar shall mean the portion of the building partly underground, having one-half (1/2) or more than one-half (1/2) of its clear height below the average grade of the adjoining ground.
- (4) Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (5) Dwelling Unit shall mean one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- (6) Family shall mean a person or any number of persons united by blood, marriage or legal adoption.
- (7) Habitable Room shall mean a room or enclosed floor space arranged or used for lining, eating or sleeping purposes, not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces.
- (8) Hotel shall mean a building arranged or used for sheltering, sleeping or feeding for compensation, of more than twenty (20) individuals.
- (9) Multiple Dwelling shall mean a building containing more than two (2) dwelling units.
- (10) Occupant shall mean any person over one (1) year of age (including the owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.
- (11) Owner shall mean the owner of the freehold of the premises or lesser estate therein, a mortgage or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person in control of a building, or their duly authorized agents.
- (12) Rooming House or Boarding House shall mean any dwelling having one (1) kitchen and used for the purpose of providing meals or lodging or both meals and lodging for pay or compensation of any kind, to more than two (2) persons other than members of the family occupying such dwelling.

- (13) Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

**BOTTOM LAND**

The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water as per P.A. 346 of 1972 (Inland Lakes and Streams Act).

**BREEZEWAY**

Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

**BUFFER**

A strip of land used to visibly separate one land use from another, or to shield or block noise, lights, or other nuisances.

**BUILDABLE AREA**

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**BUILDING**

A structure erected on-site, a mobile home or mobile structure, a premanufactured or precut structure, which is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

**BUILDING COVERAGE**

The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING HEIGHT** see HEIGHT OF BUILDING

**BUILDING INSPECTOR or BUILDING OFFICIAL**

**BUILDING LINE**

A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

**BUILDING OFFICIAL**

The individual appointed by the City of St. Louis to conduct structural inspections of new / remodeled / expanded residential, commercial and industrial buildings (under the adopted building code of the City) and to process the issuance of permits for such construction.

**BUILDING AND ZONING DEPARTMENT**

City Staff appointed by the City Manager and licensed pursuant to P.A. 230 of 1972, to enforce and administer the City's zoning ordinance and/or building code.

**BUILDING PERMIT**

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of St. Louis.

**BUSINESS OR COMMERCE**

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

**CANOPY**

A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**CARRY-OUT RESTAURANT**

An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

**CENTRAL BUSINESS DISTRICT OR "CBD"**

The major shopping area within the City containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, and transportation facilities.

**CEMETERY**

Any public cemetery owned, managed or controlled by the City and any cemetery located within the City.

**CERTIFICATE OF OCCUPANCY**

A document issued by the proper authority (Building Department) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

**CERTIFICATION OF COMPLETION**

A signed written statement by the Building Department that specific construction has been inspected and found to comply with all grading and building plans and specifications.

**CHANGE OF USE**

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.



**CHILD CARE ORGANIZATION**

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State government. Such organizations shall be further defined as follows:

- (1) Child Care Center or Day Care Center means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "Child care center" or "day care center" does not include a school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (2) Foster Family Home is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (3) Foster Family Group Home means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (4) Family Day Care Home means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (5) Group Day Care Home means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**CHURCH/SYNAGOGUE/MOSQUE**

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

**CIRCULATION PATTERN**

Systems, structures, and physical improvements for the movement of people, goods, water, air sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

**CLINIC, DENTAL OR MEDICAL**

A building in which a group of physicians, dentists or physicians and dentists and allied health professionals are associated for the purpose of carrying out their profession. The clinic may include a medical or dental laboratory, pharmacy or outlet for medical supplies.

**CLUB**

A nonprofit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

**CLUSTER**

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**COIN-OPERATED AMUSEMENT CENTER**

Establishments engaged in providing amusement or entertainment through the provision of coin-operated amusement devices, incorporating either electro-mechanical devices such as pinball machines or electronic video display operations.

**COMMERCIAL RECREATION**

Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

**COMMISSION**

The Planning Commission of the City of St. Louis.

**COMMUNICATION TOWER**

A radio telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

**COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

**COMPREHENSIVE PLAN**

A comprehensive, long-range plan intended to guide the growth and development of the City and vicinity of St. Louis and includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**CONDOMINIUM**

The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure located as a permitted use within a zoning classification and requirements of this Ordinance.

**CONTIGUOUS**

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

**CONVALESCENT OR NURSING HOME**

A home, qualified for license under applicable Michigan law, for the care of children, or elderly and disabled.

**CORNER LOT**

Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. See also "LOT," defined below.

**DECK**

A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

**DENSITY**

The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

**DENSITY, HIGH RESIDENTIAL**

Twelve (12) or more dwelling units per acre.

**DENSITY, LOW RESIDENTIAL**

Less than five (5) dwelling units per acre.

**DENSITY, MEDIUM RESIDENTIAL**

Five (5) to eleven (11) dwelling units per acre.

**DEVELOPMENT**

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISTRICT**

A portion of St. Louis in which certain building types and activities are permitted and in which certain regulations, in accordance with this Ordinance, are applicable.

**DRIVE-IN**

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.

### **DRIVE-IN BANK**

A bank which by design, physical facilities or service encourages customers to receive services while remaining in their motor vehicles.

### **DRIVE-IN RESTAURANT**

A restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out.

### **DWELLINGS**

Any building or portion thereof usable exclusively for residential purposes.

- (1) Single-Family Dwelling. A building containing not more than one dwelling unit designed for residential use, complying with the following standards.
  - (a) It complies with the minimum square footage requirements of this chapter for the zone in which it is located.
  - (b) It has a minimum width across any section of 20 feet and complies in all respects with the city building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where the standards of construction are less stringent than those imposed by the city building code, then and in that event the less stringent federal or state standard or regulations shall apply.
  - (c) It is firmly attached to a permanent foundation, constructed on the site in accordance with the city building code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
  - (d) It does not have exposed wheels, towing mechanism, undercarriage, or chassis.
  - (e) The dwelling is connected to a public sewer and water supply or to private facilities approved by the City of St. Louis and the Gratiot County Health Department.
  - (f) The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this chapter for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area (beyond space for the storage or parking of automobiles) be required by this provision.
  - (g) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof pitch of no less than three (3) inch rise for every twelve (12) inches horizontal distance, or alternatively with window sills and roof drainage systems

concentrating roof drainage along the sides of the dwelling. Also, not less than two exterior doors, with one being in the front of the dwelling and the other being either at the rear or side of the dwelling, and with permanently-attached steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires these steps.

- (h) The compatibility of design and appearance shall be determined in the first instance by the Building Department upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of the Building Department's decision. Any determination of compatibility shall be based upon the standards set forth in the definition of DWELLING as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where the area is developed with dwellings to the extent of not less than twenty (20) percent of the area, or where the area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
  - (i) The dwelling contains no additions or rooms or other areas except those which are constructed with similar materials, are similar in appearance, and have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
  - (j) The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the minimum standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home construction and Safety Standards," effective June 15, 1976, as amended.
  - (k) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by the state or federal law or otherwise specifically required in the code of the city pertaining to these parks.
- (2) Two-Family Dwelling (Duplex). A building containing no more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of DWELLING.
  - (3) Multiple-Family Dwelling. A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of DWELLING.
  - (4) Group Dwellings (Congregate Living). A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

#### **DWELLING UNIT**

A building or portion thereof providing complete housekeeping facilities for one family.

**EASEMENT**

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

**ENVIRONMENTALLY SENSITIVE AREA**

An area with one or more of the following characteristics.

- (1) Slopes in excess of 20 percent.
- (2) Floodplain.
- (3) Soils classified as having a high water table.
- (4) Soils classified as highly erodible, subject to erosion, or highly acidic.
- (5) Land incapable of meeting percolation requirements.
- (6) Land formerly used for landfill operations or hazardous industrial uses.
- (7) Fault areas.
- (8) Stream corridors.
- (9) Estuaries.
- (10) Mature stands of native vegetation.
- (11) Aquifer recharge and discharge areas.

**ESSENTIAL SERVICES**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas; electrical, steam, or water transmission, distribution or collection systems; communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than the buildings as are primarily enclosures or shelters of the mentioned equipment.

**EXCAVATION**

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

**FABRICATION**

Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials such as metal, ores or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

**FAMILY**

Two or more persons domestically related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house, or persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with recognizable bonds (such as housekeeping as a single unit), but not including clubs, fraternities, sororities, religious organizations and the like.

**FARM MARKET**

A structure or facility (including open lot) used on a regular or seasonal basis for the sale of produce and handcrafted items by individuals not engaged in the production and sale of such items as their primary business or trade.

**FAST FOOD RESTAURANT**

Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- (1) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- (2) More than 45 percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

**FENCE**

An artificially constructed barrier erected as a dividing structure or as an enclosure which is designed to restrict, prevent, or control movement on property.

**FILLING**

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

**FINAL APPROVAL**

The last official action of the Planning Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

**FLEA MARKET**

An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

**FLOODPLAIN**

The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or potentially may be covered by floodwater. Floodplains are:

- (1) Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years, or
- (2) Principal estuary courses of wetland areas that are part of the river flow system, or
- (3) Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

**FLOOR AREA**

The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

**FLOOR AREA, USEABLE**

That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

**FRATERNAL ORGANIZATION**

A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals and formal written membership requirements.

**FULL SERVICE EATING AND DRINKING ESTABLISHMENT**

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the following:

- (1) Customers are normally provided with an individual menu; are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- (2) Cafeteria-type operation where foods, frozen desserts, or beverages are generally consumed within the restaurant building.

**FUNERAL HOME**

A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.



## **GARAGES**

Includes the following:

- (1) Private Garage. A detached accessory building or portion of a main building used for the storage of four or less passenger vehicles including not more than one truck of a rated capacity of one and one-half (1½) ton or less, without provision for repair or servicing such vehicles for profit.
- (2) Service Garage. Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

## **GLARE**

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

## **GRADE**

For purposes of this Ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

## **GRADING**

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

## **GRADING PERMIT**

The written authority issued by the City of St. Louis permitting the grading, excavation or filling of land including drainage and soil erosion control in conformity with the Erosion Control section of this Ordinance and Public Act 347 of 1972 (Soil Erosion and Sedimentation Control Act) as amended.

## **GREEN AREA**

Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

## **GREENBELT**

All land within twenty-five (25) feet of water's edge, or a designated strip of natural vegetation.

## **GREENHOUSE**

A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

## **GROUND COVER**

Grasses or other cultivated plants grown to keep soil from being blow or washed away, not including weeds or other rank vegetation.

**GROUNDWATER**

The supply of freshwater under the surface in an aquifer or soil, that forms the natural reservoir for potable water.

**GROUNDWATER RUNOFF**

Groundwater that is discharged into a stream channel as spring or seepage water.

**GUEST HOUSE**

Separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes by nonpaying friends, relatives or acquaintances of the resident or owner of the main structure.

**HAZARDOUS MATERIALS**

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

**HEALTH CARE (SERVICES) FACILITIES**

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

**HIGHWAY**

A public thoroughfare or street, excluding alleys, but including federal, state and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**HOME (OCCUPATIONS)**

The use of a portion of a house, or a private garage for a full-time or part-time business.

**HOSPICE**

A home-like facility, or the organization, established for the care of the terminally ill, with acute care facility capabilities.

**HOTEL (MOTEL)**

A building occupied or used predominantly as a temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five sleeping rooms, none which have cooking facilities.

**IMPERVIOUS SURFACE**

Any material which reduces and prevents the absorption of storm water into previously undeveloped land.

**INFRASTRUCTURE**

Facilities and services needed to sustain industry, residential and commercial activities.

**INSTITUTIONAL AND PUBLIC USES**

Churches, academic schools, hospitals, nursing homes and public and quasi-public uses providing necessary services to the community.

**INTERMEDIATE CARE FACILITY** see HEALTH CARE FACILITY

**JUNK MOTOR VEHICLE**

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or city laws or ordinances.

**JUNK YARD**

An open area visible to the general public from a public street or residential zone used for the collection, storage, dismantling, dumping, baling or handling of secondhand, salvaged or used waste materials, machinery, equipment or parts thereof, but excluding automobile sales areas, the temporary storage of new material or products accessory to an industrial use, the transitional storage of coal or construction material accessory to a business use or a construction project, and accessory daily sales displays of not more than sixteen (16) hours duration per day.

**KENNEL**

Any building or land used for the sale, boarding, or breeding of dogs, cats, or other household pets.

**LABORATORY**

- (1) Medical or Dental. A laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dental prostheses and other related items or surgical supports.
- (2) Experimental. A building or part of a building devoted to the testing and analysis of any product or animal.
- (3) See Health Care Facility.

**LAND**

Ground, soil, or earth, including structures on, above, or below the surface.

**LAND USE**

A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

**LAND USE PLAN**

A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

**LANDSCAPING**

Defined as any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.

**LAUNDROMAT**

An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.

**LEGISLATIVE BODY**

The City Council of the City of St. Louis.

**LIBRARIES**

Institutions for the storage and circulation of books, films, and other materials for use by the general public.

**LOADING/UNLOADING SPACE**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT**

A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description as on a subdivision or record of survey map.

**LOT AREA**

The total horizontal area included within lot lines. Where the front lot line lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**LOT, CORNER** see CORNER LOT

**LOT COVERAGE**

The part or percent of the lot occupied by buildings including accessory buildings.

**LOT DEPTH**

The mean horizontal distance from the front street line to the rear lot line.

**LOT, INTERIOR**

Any lot other than a corner lot.

## **LOT LINES**

Any line bounding a lot, including the following:

- (1) Front Lot Line. The line separating the lot from the street; in the case of a corner line, the line separating the narrowest side of the lot from the street.
- (2) Rear Lot Line. The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
- (3) Side Lot Line. Any line other than front or rear lot lines.
- (4) Street Lot Line or Alley Lot Line. Any line separating a lot from a street or alley.

## **LOT, THROUGH**

Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

## **LOT OF RECORD**

A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

## **LOT WIDTH**

The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

## **LOT, ZONING**

A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

## **MAJOR STREET (PRIMARY ROAD)**

A street or highway so designated on the major road plan of the City Master Plan which is designed and intended to carry heavy traffic volumes.

## **MANUFACTURED HOME**

A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law.

## **MANUFACTURING FACILITY**

Establishment engaged in the mechanical, chemical, or electrical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

**MARQUEE**

Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

**MASSAGE ESTABLISHMENT**

Any establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor a barber shop or beauty shop in which massages are administered only to the scalp, the face, the neck, or shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, YMCA or YWCA operating a community center, swimming pool or other educational, cultural, or recreational facilities for residents of the area.

**MASTER PLAN** see COMPREHENSIVE PLAN

**MEDICAL OFFICE** see HEALTH CARE FACILITY

**MINI-STORAGE**

A structure containing separate storage of varying sizes leased or rented on an individual basis.

**MINOR OR LOCAL STREET (SECONDARY ROAD)**

A dedicated public way or recorded private street which affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

**MIXED USE ZONING**

Regulations which permit a combination of different uses within a single development, under special regulations.

**MOBILE HOME**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. MOBILE HOME does not include a recreational vehicle.

**MOBILE HOME PARK**

A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MOBILE HOME SITE**

A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**MOBILE HOME SUBDIVISION**

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**MODULAR AND SECTIONAL HOME**

A dwelling unit consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for conventional residence.

**MORTUARY**

A place for the storage of dead human bodies prior to burial or cremation.

**MOTELS**

Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as tourist cabins or motor courts, and as distinguished from furnished rooms in an existing residential building.

**MOTOR VEHICLE** see VEHICLE, MOTOR

**MUNICIPAL BUILDING**

A structure housing an operation of the City of St. Louis.

**MUNICIPALITY**

The City of St. Louis.

**NATURAL RETENTION AREA**

A naturally-occurring pond or wetland which retains storm water runoff.

**NONCONFORMING BUILDING**

Any building or portion thereof lawfully existing at the time this chapter became effective and which now does not comply with its regulations.

**NONCONFORMING LOT**

A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

**NONCONFORMING SIGN**

Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**NONCONFORMING USE**

A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the zone district in which it is located.

**NUISANCE**

An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the good property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare and smoke, are examples of nuisances.

**NURSERY, PLANT MATERIALS**

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**OCCUPANCY PERMIT**

A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable ordinances.

**OFFICE**

A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE BUILDING**

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or snack stand.

**OFF-STREET ACCESSORY PARKING**

Any parking area located on the same property it is intended to serve, or across an alley therefrom, and within a district which is not of greater restriction than the property it is intended to serve.

**ONE-FAMILY OR SINGLE-FAMILY RESIDENCE**

A building designed for or occupied exclusively by one (1) family, and in no case permitting more than two (2) roomers or boarders.

**OPEN SPACE**

Is that part of a zoning lot, including courts or yards which:

- (1) Is open and unobstructed from its lowest level to the sky, and
- (2) Is accessible to all residents upon the zoning lot, and
- (3) Is not part of the roof of that portion of a building containing dwelling units, and
- (4) Is comprised of lawn and landscaped area.
- (5) Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.



**PARK, RECREATIONAL**

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

**PARKING AREA**

An open area other than a street or other public way, used for the parking of motor vehicles and available for public use whether for a fee or as an accommodation for clients, customers, residents or employees.

**PARKING ACCESS**

The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100) feet.

**PARKING BAY**

A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

**PARKING LOT**

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

**PARKING SPACE**

Any accessible area of not less than nine (9) feet by 18 (18) feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

**PASSIVE RECREATION AREA**

An open area designed for walking or sitting and enjoying nature or surroundings.

**PATIO, PORCH**

Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

**PEDESTRIAN WAY**

A linear walkway (paved or unpaved) used for pedestrian and nonmotorized vehicle movement and open to the general public or designated residents or employees of the area in which the walkway is located.

**PERFORMANCE STANDARDS**

A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

**PERMITTED USE**

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON**

A legal entity or individual human being.

**PERSONAL SERVICES FACILITIES**

Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

**PETROLEUM BULK PLANT**

An establishment for the purpose of storage of petroleum products, in bulk or in packages, distribution by tank car, tank vehicle, or motor truck.

**PHARMACY**

A place where drugs and medicines are prepared and dispensed.

**PLANNED RESIDENTIAL DEVELOPMENT OR "PRD"**

An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

**PLANNED UNIT DEVELOPMENT (PUD)**

A development encompassing a minimum designated area, specified in this Ordinance, planned as a single entity containing a combination of residential, commercial and/or industrial activities according to the designated discretionary requirements set forth in this Ordinance.

**POND**

A natural or manmade body of water that is a minimum of one acre in size and is used to provide water for fish, recreation, decoration or other personal use of the property owner

**PORTABLE STRUCTURE**

Structures not permanently affixed to the ground.

**POTABLE WATER**

Water suitable for drinking or cooking purposes.

**PRELIMINARY PLAN**

A preliminary map indicating the proposed layout of the subdivision, PRD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

**PRINCIPAL OR MAIN USE**

The primary or predominant use of the premises.

**PRINCIPAL BUILDING**

A building in which is conducted the principal use allowed on the lot in the district in which it is situated.

**PRIVATE SWIMMING POOL**

Any artificially constructed basin or other structure for the holding of water for use by the possessor, his family of guest, for swimming, diving and other aquatic sports and recreation. The term "swimming pool"

does not include any plastic, canvas or rubber pool temporarily erected upon the ground holding less than five hundred (500) gallons of water.

**PROFESSIONAL SERVICES**

Services offered to the general public by the traditional professions, such as law, medicine, engineering, accounting, and architecture.

**PROCESSING**

Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

**PUBLIC FACILITIES**

Facilities which are owned and operated by a municipality, government agency, school district, or publicly owned utility.

**PUBLIC HEARING**

A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

**PUBLIC UTILITY**

Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer and storm sewer.

**PUBLIC WAY**

A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

**QUASI-PUBLIC ORGANIZATION**

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

**QUORUM**

The number of attendees required by a board or agency who must be present in order to conduct the business of the board or agency.

**RADIO ANTENNA**

A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area. This includes cellular phone towers.

**RECREATIONAL VEHICLE**

These uses shall be defined as follows:

- (1) Boats and Boat Trailers. Includes boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

- (2) Folding Tent Trailer. A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (3) Motor Home. A recreational vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels and capable of being moved from place-to-place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- (4) Other Recreational Equipment. Includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (5) Pickup Camper. A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (6) Travel Trailer. A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a “travel trailer” by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**RECREATIONAL VEHICLE PARK (RV PARK)**. A recreational oriented facility for the overnight or short-term parking of travel trailers, recreation vehicles or tents, but not including mobile homes. May also be known as a campground.

## **RECYCLING**

The process by which waste products are reduced to raw materials and transformed into new and often different products.

## **RECYCLING CENTER/RESOURCE RECOVERY FACILITY**

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

## **RESEARCH AND DEVELOPMENT FACILITY**

Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

## **RESIDENCE**

A home, abode, or place where an individual is actually living at a specific point in time.

## **RESIDENTIAL, RESIDENTIAL USE, OR RESIDENTIAL DISTRICT**

The use of land parcels for human habitation under the terms of this chapter. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

**RESTRICTION**

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**RESTRICTIVE COVENANT**

A restriction on the use of land usually set forth in a deed or other appropriate document.

**RETAIL TRADE**

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

**RESTAURANT**

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**RIGHT-OF-WAY**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY LINE**

The boundary of a dedicated street or highway.

**RINGLEMANN CHART**

A device to measure the opaqueness of smoke emitted from stacks and other sources.

**ROAD FRONTAGE**

The length of the lot line which borders a public road.

**ROAD OR STREET, PUBLIC**

Any public right-of-way which provides vehicular access to adjacent properties.

**ROOM**

For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**ROOMING HOUSE** see BOARDING HOUSE

**RUNOFF**

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

**SALVAGE YARD**

A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. SALVAGE YARD shall not include uses conducted entirely within a completely-enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**SANITARY LANDFILL**

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

**SCHOOL**

Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

**SCHOOL, CHARTER**

A school that is chartered by the State of Michigan to operate as a nonprofit corporation for the purpose of educating elementary junior high or high school students. A charter school is not under the jurisdiction of a public school district.

**SCHOOL, ELEMENTARY**

Any school licensed by the state and which meets the state requirements of elementary education.

**SCHOOL, PAROCHIAL** A school supported and controlled by a private, church or religious organization.

**SCHOOL, PRIVATE**

Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

**SCHOOL, SECONDARY** Any school regulated by the state and which is authorized to award diplomas for secondary education.

**SCHOOL, VOCATIONAL**

An educational institution oriented to the teaching of technical and nonprofessional curriculum leading to employment without a four year college degree.

**SCREENING**

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

### **SEASONAL BUSINESS**

A retail business or service business that is not normally used as a business for more than eight (8) months or less during any one calendar year.

### **SEASONAL RESIDENCE**

A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

### **SERVICE STATION OR FILLING STATION**

A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, including sale of accessories, oiling and light motor service on the premises, but in no case to include major automotive repairs.

### **SETBACK**

The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

### **SIDEWALK (PUBLIC)**

A linear hard surface typically three (3) to five (5) feet wide, that is located within a public right-of-way for pedestrian use and constructed and maintained in accordance with the City's current sidewalk ordinance.

### **SIGHT DISTANCE TRIANGLE**

A line that extends twenty (20) feet back from the corner of a lot along both the front and side property lines. These two (2) points are connected by a diagonal line.

### **SIGNS**

Any announcement, declaration, display, illustration or insignia used to promote or advertise the interests of any person, product or enterprise when the same is placed, painted or displayed in view of the public including:

- (1) Signs, Advertising. A sign which depicts information concerning the products sold on the premises or services provided.
- (2) Sign, Animated. Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of movement or rotation.
- (3) Sign Area. The entire face of the sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing the total display area of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign excluding any structural members shall be used.
- (4) Sign, Awning, Canopy, or Marque. A sign that is mounted on or painted onto, an awning, marquee, or canopy that is otherwise permitted by ordinance.

- (5) Sign, Billboard. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- (6) Sign, Bulletin Board. A sign which identifies an institution or organization on the premises which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.
- (7) Sign, Business. A sign which depicts only the name, address, number, or logo of the business located on the zoning lot.
- (8) Sign, Construction. A temporary sign erected on the premises on which construction is taking place, during the period of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- (9) Sign, Directional. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- (10) Sign Face. The area or display surface used for the message.
- (11) Sign, Flashing. Any directly or indirectly illuminated sign which exhibits changing, natural or artificial light or color effects by any means whatsoever.
- (12) Sign, Flush-Mounted. A sign mounted against a principal structure, the depth of which does not exceed 12 inches, with no printed messages end spaces.
- (13) Sign, Freestanding. Any nonmovable sign not affixed to a building.
- (14) Sign, Governmental. A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance, or other governmental regulation.
- (15) Sign, Ground. Any sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.
- (16) Sign, Identification. A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and addresses of a building, business, development, or establishment on the premises where it is located.
- (17) Sign, Illuminated. A sign lighted by or exposed to artificial lighting, either by lights in the sign or directed towards the sign.
- (18) Sign, Political. A temporary sign announcing or supporting political candidates, parties, or issues in connection with any national, state, or local election, movement, or cause.



- (19) Sign, Portable. A sign that is not permanently affixed to a building, structure or the ground.
- (20) Sign, Portable Sandwich. A portable sandwich sign shall be constructed of wood, metal, slate, and/or plastic. A portable “sandwich” sign shall be an inverted “A” or “V” shaped sign when viewed in profile, without wheels, shall rest on the sidewalk, and shall not be attached to the sidewalk. A portable sandwich sign shall not have any umbrellas attached to it.
- (21) Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from the building.
- (22) Sign, Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, and designed or intended to be displayed for a short period of time.
- (23) Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than two inches from the building or the structure.
- (24) Sign, Window. A sign that is applied or attached to the exterior or interior of a window, and located in such a manner within the building that it can be seen from the exterior of the structure through a window.

#### **SINGLE OWNERSHIP**

Ownership by one (1) person or by two (2) or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

#### **SITE**

Any plot or parcel of land or combination of contiguous lots or parcels of land.

#### **SITE PLAN**

The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of Section 15.4 of this Ordinance.

#### **SITE PLAN REVIEW AND APPROVAL**

The submission of plans for review and approval, as required by this Ordinance, and special use permits.

#### **SKETCH PLAN**

A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

#### **SLOPE**

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

#### **SPECIAL EXCEPTION**

A variance to a regulation, granted by the Board of Zoning Appeals, for a change in use on a given piece of property.

**SPECIAL LAND USE**

A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the City.

**SPOT ZONING**

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the St. Louis Comprehensive Plan.

**STORM WATER DETENTION**

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORY**

That portion of a building included between the surface of any floor above the average elevation of ground at the foundation wall and the surface of the next floor above it, **or** if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF**

Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches, for the purposes of this Ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**STREAM**

A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

**STREET**

A public right-of-way which has been dedicated and accepted by the City for the purpose of providing access to abutting private land.

**STREET, COLLECTOR**

A street which collects traffic from local streets and connects with minor and major arterials.

**STREET, CUL-DE-SAC (Loop)**

A street with a single, common ingress and egress, and with a turnaround at the end.

**STREET, LOCAL**

A street designed to provide vehicular access to abutting property and to discourage through traffic.

**STREET, MAJOR ARTERIAL**

A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

**STRIPPING**

Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

**STRUCTURE**

Anything constructed or erected, which requires permanent location on the ground or attachment to something having such location.

**STUDIO**

A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

**SUBDIVIDER**

Any persons who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

**SUBDIVISION**

The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**SUPPLY YARD**

A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

**SWEETENING PLANT**

A facility or plant designed for the removal of sulfur compounds from natural gas extracted from oil and gas wells.

**SWIMMING POOL (PRIVATE)**

Any artificially constructed basin or other structure of a depth of at least twenty-four (24) inches for the holding of water for use by the possessor, his family or guests, for swimming, diving and other aquatic sports and recreation. The term "swimming pool" does not include any plastic, canvas or rubber pool temporarily erected upon the ground holding less than five hundred (500) gallons of water.

**TAVERN, LOUNGE, OR BAR**

A building or portion thereof where alcoholic beverages are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**TELEVISION ANTENNA**

A signal receiving device, the purpose of which is to receive television signals from television transmitters in the area.

**TEMPORARY BUILDING OR USE**

A structure or use permitted by the Building Department, to exist during periods of construction of the main building or for special events, but not to exceed six (6) months duration.

**TEMPORARY CERTIFICATE OF OCCUPANCY**

A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

**TENANT**

An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

**TERMS**

The present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same.

**THEATER**

A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

**TOURIST HOME**

Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and which can be occupied as part of a dwelling unit, are rented for compensation to the traveling public.

**TOWNHOUSES**

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2½) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

**TOXIC POLLUTANTS**

A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

**TRAILER OR MOBILE HOME**

A prefabricated mobile sleeping or living unit which can be transported in substantially completed state on public streets or highways.

**TRANSITION ZONE**

A zone permitting transitional uses, such as parking in a residential district.

**TRUCK TRACTOR OR TRAILER RIG**

A truck vehicle unit with a tractor length of at least thirteen (13) feet or a tractor/trailer combination with an overall length of at least fifty (50) feet.

	<u>W 40</u>	<u>W 50</u>
Wheelbase	13+27 = 40 feet	20+30 = 50 feet
Front overhang	4	3
Rear overhang	6	2
Overall length	50	55
Overall width	8.5	8.5
Height	13.5	13.5

**TRUCK AND RAILROAD TERMINALS**

- (1) A place where transfer between modes of transportation takes place.
- (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**UNIFIED CONTROL**

The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

**USE**

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

**USE, BY RIGHT**

Any use which is listed as a use by right in any given zoning district in this Ordinance. Uses by right are not required to show need for their location.

**USE, LAWFUL**

The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

**USE, TRANSITIONAL**

A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two (2) zoning districts on either side of such a boundary line.

**USED CAR LOT**

A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

**VARIANCE**

A modification of the required provisions of the physical development or land use standards of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted. The crucial points of the VARIANCE are undue hardship and unique circumstances applying to the property. A VARIANCE is not justified unless both elements are present in the case.

**WALL, OBSCURING**

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE**

A building primarily used for the storage of goods and materials.

**WASTE DISPOSAL VEHICLES**

Self-propelled devices used for the collection, transport and hauling of solid waste, garbage, recyclable material, or rubbish from households, public places and businesses to a disposal or recycling area.

**WATER SUPPLY SYSTEM**

The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**WETLANDS**

Swamps or marshes with seasonal water present, especially as areas preserved for wildlife as defined by state or federal agencies.

**WHOLESALE TRADE**

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARDS**

- (1) Front Yard. An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front street property line and the nearest building excluding unroofed steps and eaves.
- (2) Side Yard. An open unoccupied space, except as hereinafter permitted, lying between the side lot line and the nearest building, excluding unroofed steps and eaves, and extending from the front yard to the rear yard. On corner lots, the side yard adjacent to the street extends from the front lot line to the rear lot line.

- (3) Rear Yard. A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extended across the full width of the lot between the rear of any principal building, excluding unroofed steps and eaves, and the rear lot line.

**ZERO LOT LINE**

The location of a building in such a manner that one or more of the building's sides reset directly on a lot line.

**ZONE**

A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

**ZONING**

The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ZONING ENVELOPE**

The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

# Article 3

## General Provisions

### Sec. 3.1. Zoning Affects Every Structure and Land and the Use Thereof

Except as specified, no building, structure, land or premises shall be used or occupied, and no building or part of a building or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered unless it comes within the regulations of the district in which it is located. No use shall be permitted in any district which is prohibited by state or federal law.

### Sec. 3.2. Abandoned Buildings and Structures

Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than three hundred sixty-five (365) days, shall be considered abandoned and come under the provisions of this Ordinance and other City codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once three hundred sixty-five (365) days have passed, the building or structure shall have to meet all the current standards of all applicable City codes, specifically Article 4 - Nonconforming Building and Uses.

### Sec. 3.3. Restoring Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the building inspector. Any such strengthening or restoring shall be in accordance with the City's building code.

### Sec. 3.4. Mixed Occupancy

Before issuing a building permit for any construction for any premises that is: 1) intended for a combination of dwelling and commercial or dwelling and industrial occupancy, or 2) which would result in an increased number of dwelling units within a building partly occupied by business or industrial use; or 3) which would result in an increased area devoted to business or industrial use, within a building partly occupied as a dwelling, the Zoning Administrator shall ensure that fire prevention code/state health regulations are met. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

### Sec. 3.5. Required Area or Space

No lot or lots in single ownership and no yard, court, parking area or other space shall be so divided, altered or reduced to make the area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, the area or dimension shall not be further divided or reduced. Where the plot plan presented in the application for a permit includes more than one (1) recorded lot, the building inspector shall not issue a permit until the Planning Commission has approved the combination of lots as a minor subdivision and shall cause the same to be recorded in the



office of the Register of Deeds of Gratiot County, Michigan, the cost of recording to be borne by the applicant.

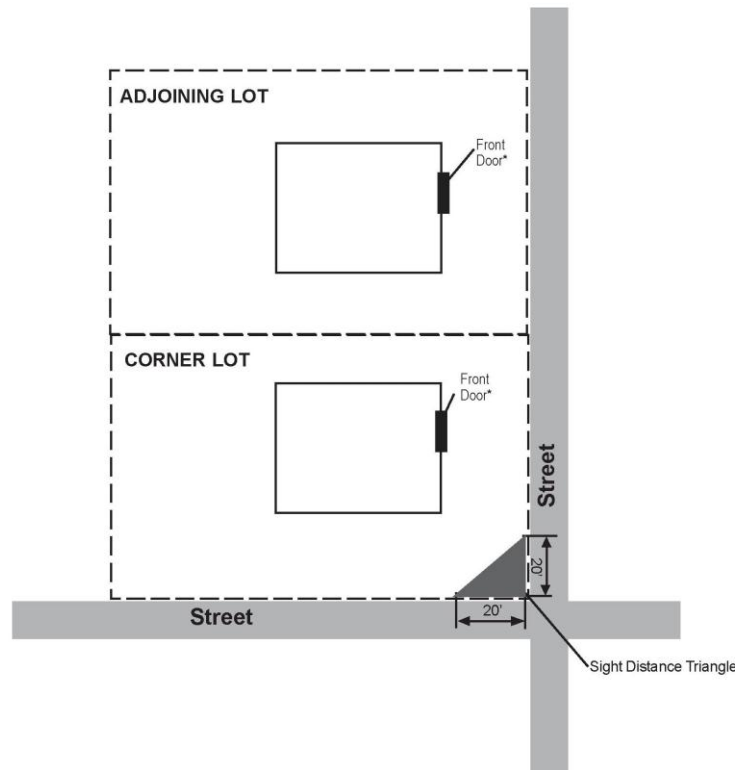
**Sec. 3.6. Streets**

To provide for the public health and welfare through adequate light and ventilation and for the safety of persons and property in the use of the streets of the City, all streets platted, or laid out shall be dedicated and accepted by the City in accordance with the regulations and requirements of St. Louis.

**Sec. 3.7. Traffic Visibility Across Corner Lots**

In any residential zone district on any corner lot, no fence, structure or planting over thirty-six (36) inches in height above the curb line, except deciduous trees, shall be erected or maintained within twenty (20) feet of the intersecting right-of-way lines so as to interfere with traffic visibility across the corner. This area is known as the site distance triangle. (See Example A).

**EXAMPLE A**



### **Sec. 3.8. Essential Services and Institutional Uses**

Essential services may be located in any zone. Institutional uses are permitted in any zone (except where expressly prohibited) following the review and approval of a site development plan by the plan commission prior to the issuance of a building permit. Before approving such plan the Planning Commission shall determine that all aspects of the use conform to the requirements of this Ordinance and that the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not significantly adversely affect existing or potential adjacent primary permitted uses. Upon approval, the plan shall be signed by the chairman of the plan commission and a copy shall be made a part of the commission's file.

### **Sec. 3.9. Principal Buildings and Yards**

No lot may contain more than one (1) principal use. No more than one (1) principal building shall be permitted on any lot except where a planned grouping of buildings in single ownership and of the same use is approved by the Planning Commission. The grouping may not be later subdivided or parts sold unless the parts individually comply with the provisions of this Ordinance. All front yards must face upon a street. On a street right-of-way less than sixty (60) feet in width the required yard shall be measured from a parallel line thirty (30) feet from the center line of the street.

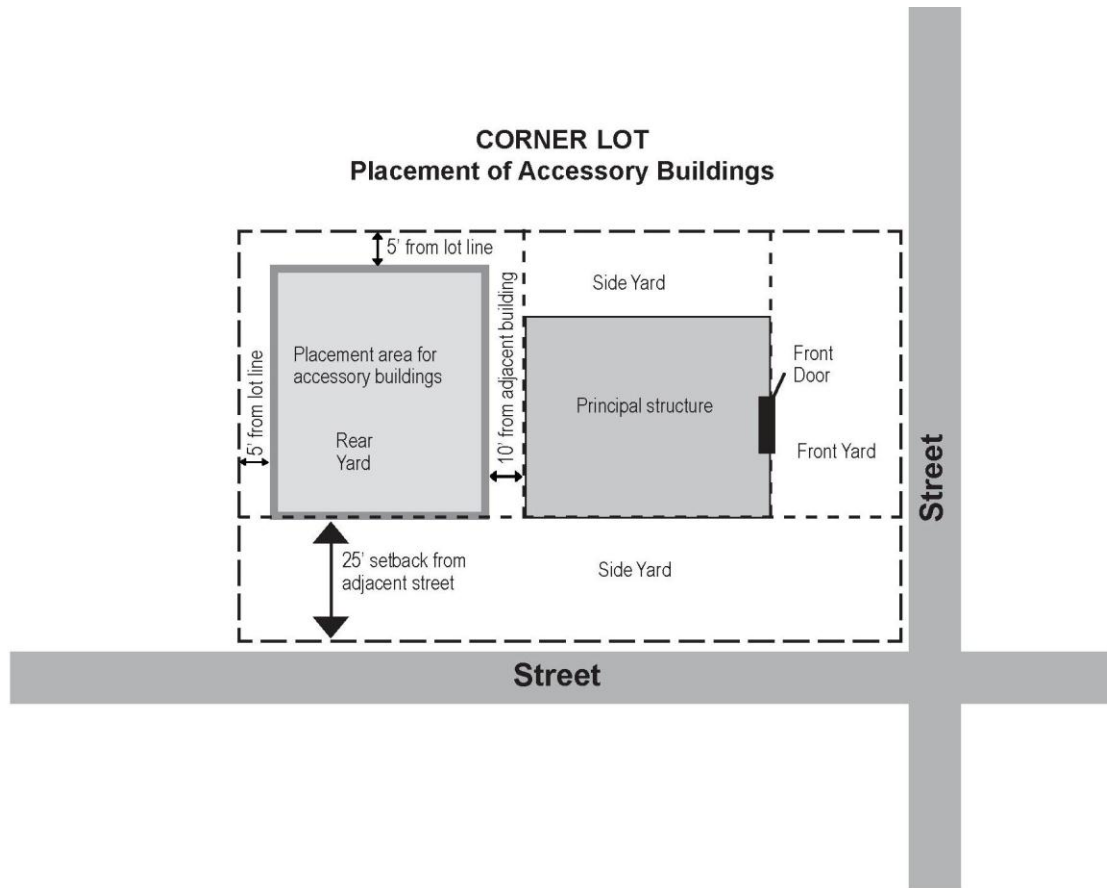
### **Sec. 3.10. Accessory Building**

No accessory building or structure may be built upon any lot in single ownership on which there is no principal building. No accessory building shall be placed in any required front or side yard or closer than (10) ten feet to any other building.

### **Sec. 3.11. Accessory Buildings or Accessory Structures in Residential Districts**

- (1) Accessory buildings or accessory structures shall not exceed twenty (20) feet in height, except satellite antenna systems and shall not be closer than five (5) feet to any lot line.
- (2) Accessory structures on corner lots shall be setback no less than twenty-five (25) feet from side streets and no less than five (5) feet from an adjoining lot in a residential district. (See Example B).
- (3) Portable accessory buildings larger than one hundred forty-four (144) square feet are not allowed in the residential districts except for a special event, which requires a permit from the building department.
- (4) Under no circumstances shall an accessory building be larger than two thousand four hundred (2,400) square feet; further, under no circumstances shall the sum of all accessory buildings occupy greater than 20% of the rear yard.
- (5) Maximum lot coverage for all buildings in R-1 and R-2 districts is 25%. (Section 15.1 Schedule of Regulations)

## EXAMPLE B



### Sec. 3.12. Dwelling in Rear Lots

No building to be used as a dwelling shall be constructed, altered or moved in the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a principal building situated on the same lot.

### Sec. 3.13. Height and Area Zoning Exceptions

The height and area requirements of all zones shall be subject to the following exceptions: Parapet walls not exceeding four feet in height; chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; grain elevators; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the zone district.

### **Sec. 3.14. Existing Platted Lots**

Any residential lot laid out on the tax rolls of the City of St. Louis at the time of the adoption of this Ordinance that fails to comply with the minimum requirements of this Ordinance may be used for a single family dwelling, provided the lot is in single ownership as defined in this Ordinance, and further provided all yard requirements are complied with. An existing platted lot which contains ninety (90) percent or more of the required lot area and width may be utilized as a separate lot.

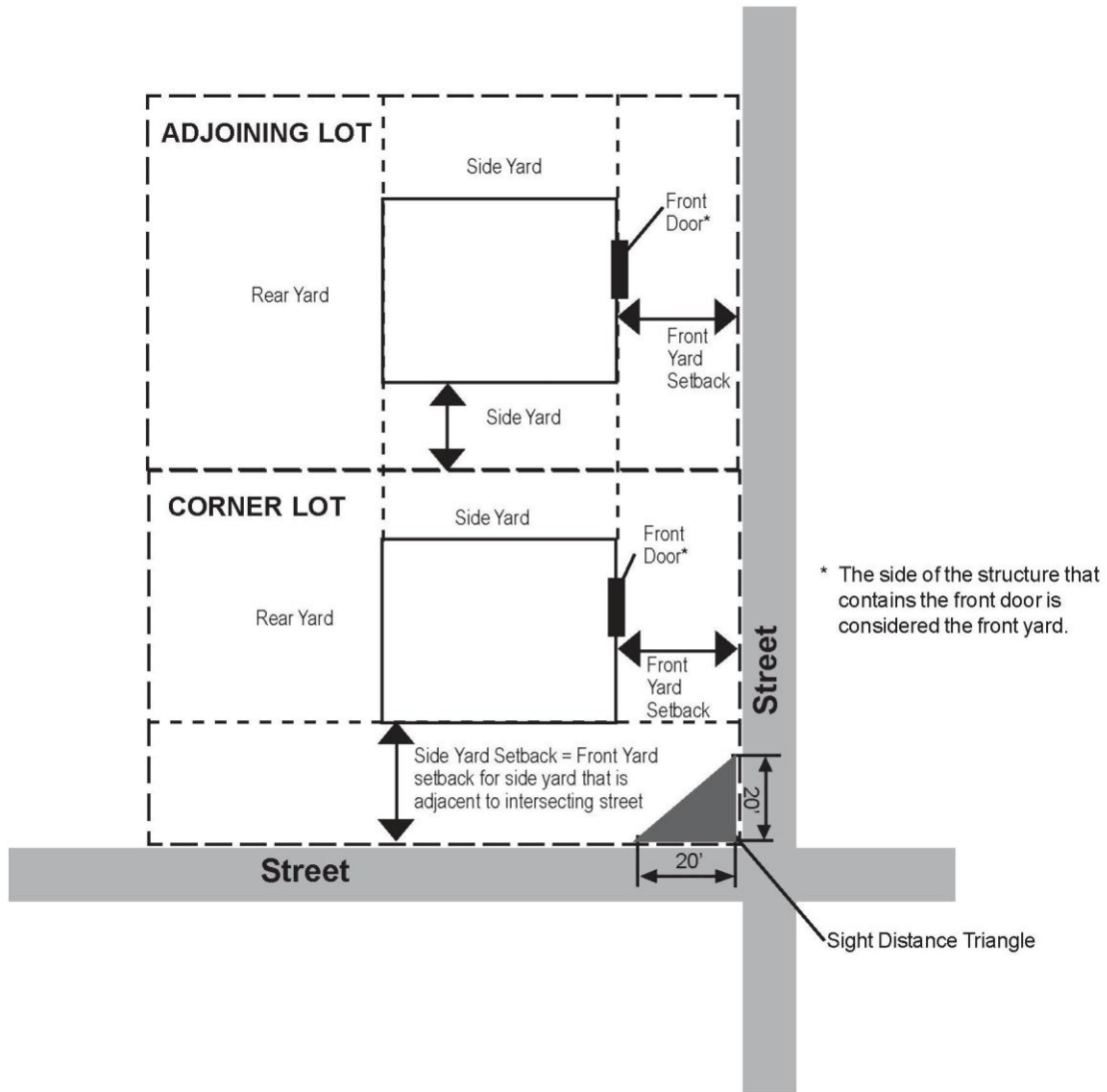
The use of more than one (1) lot in common ownership where the same do not comply with the minimum requirements of this Ordinance shall be determined by the Board on the basis of neighborhood character. For the purpose of this section the Board shall use the following standards to determine neighborhood character:

- (1) **Two lots:** If each of the two adjacent lots in question has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least sixty (60) per cent of the total number of developed lots within four hundred (400) feet on both sides of the same street, each of said lots in question shall be construed to be in character with the neighborhood. If not, the two (2) lots shall be considered a single lot.
- (2) **Three lots:** If each of the three (3) lots in common ownership has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least sixty (60) percent of the total number of developed lots within four hundred (400) feet on both sides of the same street, each of said lots shall be construed to be in character with the neighborhood. If not, the three (3) lots shall be considered one (1) or two (2) lots meeting the zone district requirements.
- (3) **Four lots:** If each of the four (4) lots in common ownership is less than the minimum requirements they shall be re-subdivided into one (1), two (2) or three (3) lots meeting the zone district requirements.

### **Sec. 3.15. Corner Lots**

Where a lot is bounded by two (2) intersecting streets the front yard setback shall be required on the side street that contains the front door of the structure. The side yard setback required on the adjoining side street shall be the same distance as the front yard setback. (See Example C).

### EXAMPLE C



#### Sec. 3.16. Fences

##### Location

No fence shall be located within a street right-of-way. Fences may be located up to any property line abutting a side or rear yard.

##### Design

The smooth finished side of the fence must face outward with the support posts on the inside toward the subject property.

### **Sight Distance Triangle**

The sight distance triangle must be kept free of fences that would obstruct a motorist's views of oncoming traffic. See Example C.

### **Residential Districts Fences**

- (1) Fences shall be made of wood, stone, brick, wrought iron, vinyl, and chain link. Chain link is not allowed in a front yard or street side yard.
- (2) Residential fences shall not exceed 3 feet in height when located within a required front yard or street side yard, and shall not exceed 6 feet in height when located in any other yard.

### **Non-Residential District Fences**

- (1) Fences shall be made of wood, stone, brick, wrought iron, vinyl, and chain link.
- (2) Non-residential fences shall not exceed 8 feet in height. Barbed wire is allowable in the I-1 District (General Industrial) when used as security fencing on top of chain link fencing that is six feet high.

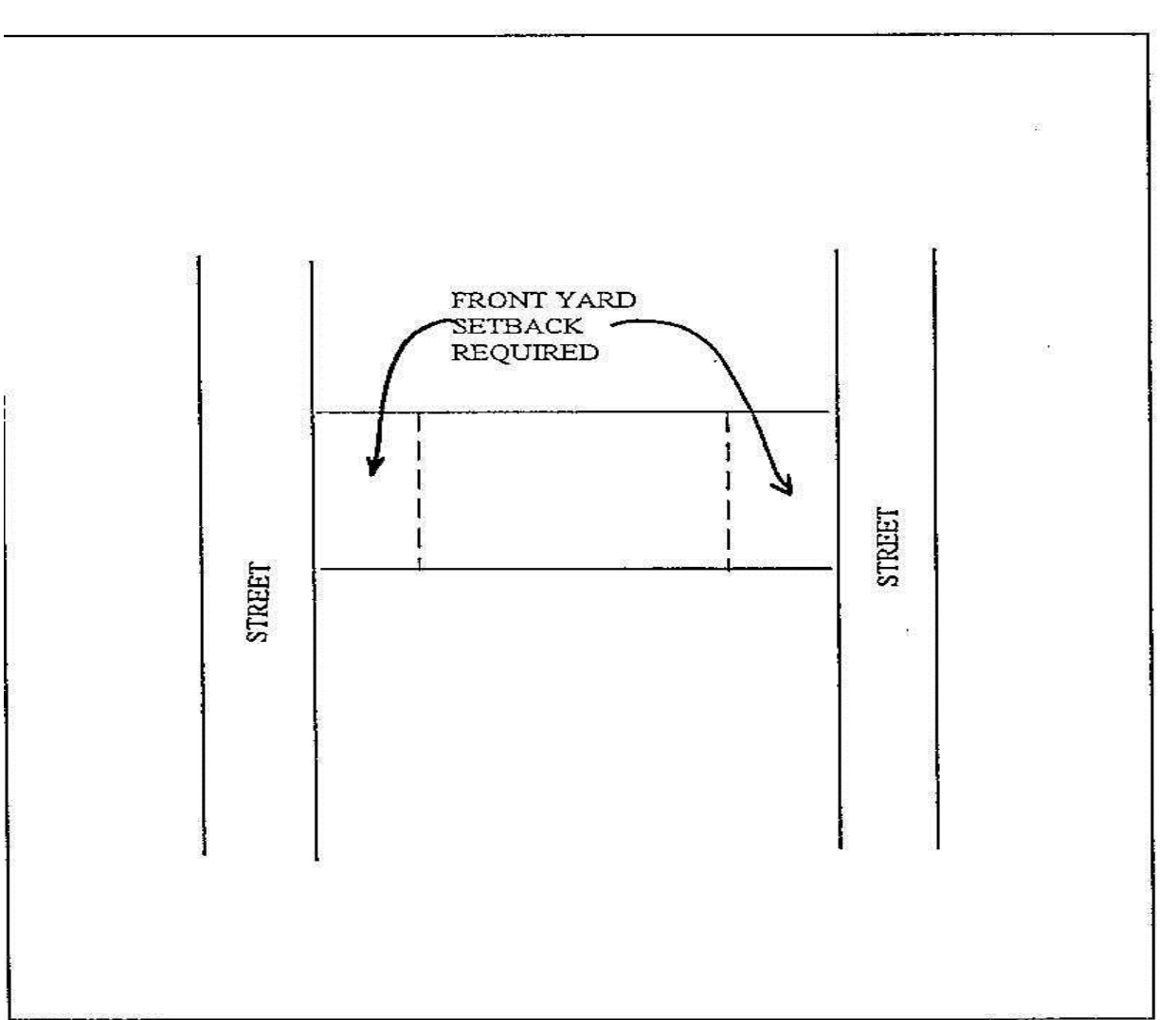
### **Sec. 3.17. Front Yards on Lots Running Through the Block**

In any district where a lot runs through a block from street to street and where a front yard is required, the front yard shall be provided along each street lot line. (See Example D).

### **Sec. 3.18. Mobile Homes and Trailers**

Individual mobile homes or trailers, whether attached or detached from wheels, are not considered accessory buildings to a permitted use and are allowed only in mobile home districts subject to the provisions of this Ordinance and any applicable rules and regulations of the State of Michigan or City of St. Louis relating to mobile homes and trailer occupancy.

### EXAMPLE D



#### Sec. 3.19. Restrictions for Lot Widths Adjacent to Platted Lots

In a block where there exists some platted and unplatted land, and where fifty (50) percent or more of the total frontage on both sides of a street in the same block is platted, the balance of the unplatted land must be divided into lots each having an average width not less than the average of fifty (50) percent of the platted lots. In no case shall the width of any lot so determined be less than eight (80) feet. If less than fifty (50) percent of the frontage in a block has been platted into lots, then the balance of unplatted land shall meet the width requirements of the district in which it is located.

**Sec. 3.20. Sewage and Water Requirements**

No building permit shall be issued for any building to be occupied by human beings unless provisions have been made to provide public sewer and water to the building. In the absence of public sewer or water the Building Inspector can only issue a building permit when county or State permits for water and sewage disposal meet state and municipal standards.

**Sec. 3.21. Surface Runoff**

No premises shall be filled or graded so as to discharge surface water runoff to abutting premises in a manner so as to cause ponding or surface accumulation of the runoff on the abutting premises. This would include water runoff from buildings via eaves or similar apparatus.

**Sec. 3.22. Swimming Pools**

Swimming pools accessory to a principal permitted use are allowed in all districts, provided the pools are constructed, operated, and maintained in accordance with applicable City regulations.

**Sec. 3.23. Basement Dwellings**

The use of a basement, or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. This shall not prohibit a dwelling unit located partially below ground which has access to a hallway providing two remote means of egress to ground level.

**Sec. 3.24. Exceptions to Area and Height Regulations**

The following general exceptions are made to the height and area regulations in each residential district:

- (1) If forty (40) percent or more of all the frontage on one side of a street between two intersecting streets has been or shall become developed with residences, the front yard so established shall prevail in the case of one and two family houses, but nothing in this section shall be construed to permit any new house closer than twenty (20) feet to the front street line, or require front yard setback of more than forty (40) feet from the front street line.
- (2) The height and area requirements of all zones shall be subject to the following exception: Parapet walls not exceeding four feet in height; chimneys; cooling towers; elevator bulkhead; fire tower; gas tanks; grain elevators; penthouses; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; sugar refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; and necessary mechanical appurtenances.



**Sec. 3.25. Conversion of Dwellings**

The conversion of any existing building into a dwelling, or the conversion of any existing dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only if applicable district requirements are met.

**Sec. 3.26. Temporary Permits**

The Zoning Administrator may issue temporary use permits for the following uses after determining that these uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause. The Zoning Administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section. A third temporary use permit may only be authorized by the Zoning Board of Appeals.

- (1) **Mobile homes.** An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed or reconstructed on the same premises. A temporary permit shall be issued by the Zoning Administrator prior to any similar use.

**Sec. 3.27. Buildings to be Moved**

Any building or structure which has been wholly or partially erected on any premises located within or outside the City shall not be moved and/or be placed upon any premises in the City unless there is full compliance with City Ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable housing codes, and be compatible with the general character and design of surrounding properties. Such compatibility shall first be determined by the Zoning Administrator after reviewing the structure and site. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals within fifteen (15) days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the City Council.

**Sec. 3.28. Unlawful Use Not Authorized**

Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulations in effect immediately prior to the date of this Ordinance.

**Sec. 3.29. Performance Standards**

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained with said area:

- (1) *Fire and explosion hazards.* All buildings, storage and handling of flammable materials and other activities shall conform to City building and fire ordinances and to any applicable state and federal regulations or requirements. No use or building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. Any activity involving the use or storage of flammable material shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- (2) *Smoke.* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted; smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines shall be standard.

**Sec.3.30. Greenbelts and Protective Screening**

- (1) On corner lots, no plantings shall be established or maintained which obstructs the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property lines of two intersecting streets and a line connecting them twenty (20) feet from the point of intersection. In the case of a rounded street corner, such measurements shall be from the street lines extended to form an intersection. Plantings within this area may attain a height of up to thirty-six (36) inches (see Section 3.7).
- (2) Outdoor storage in commercial and industrial districts (temporary or permanent), when abutting residentially-zoned or developed premises, shall be screened with a six (6) foot solid fence or evergreen planting and the height of such plantings shall be at least six (6) feet.
- (3) The plans for required protective screening shall be submitted to the Zoning Administrator for his/her approval or recommendations as to suitability and arrangement of planting material. Any limbs, shrubs, or bushes which extend into the property of adjoining residential property, may be trimmed back by the residential property owner, except for trees whose branches begin eight (8) feet or more above ground level.

# Article 4

## Nonconforming Building and Uses

### Sec. 4.1. Continuance of Nonconforming Use or Structure

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued, although the use or structure does not conform with the provisions of this Ordinance. Structures or uses nonconforming by reason of height and area, or parking and off-street loading provisions only, may be extended, enlarged, altered, remodeled or modernized provided that no additional encroachment of the height, area or parking and loading provisions are occasioned by such changes.

### Sec. 4.2. Change of Use

The nonconforming use of a building or structure may be changed only to another use permitted in the district in which the nonconforming use is located. Where the nonconforming use of a building or structure is changed to a permitted use it may not thereafter be changed back to the previous nonconforming use. The proposed use shall be subject to all the requirements applying to that use in the district in which the nonconforming use to be changed is permitted.

### Sec. 4.3. Restoration and Repairs

The repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made, provided however that a nonconforming building or structure which is damaged or destroyed by fire, flood, wind or other calamity may be restored to its size existing at the time of the destruction and the occupancy or use of the building or structure or part thereof which existed at the time of the destruction may be continued or resumed, provided that the restoration is started within a period of three (3) months of the time of the damage and diligently prosecuted to completion. All debris and/or dangerous structures resulting from the destruction or damage shall be removed from the site within thirty (30) calendar days. Any open basements, large holes, etc., remaining on the site after removal of the structure or debris shall be filled in and leveled within thirty (30) days of removal of the structure or debris, unless the owner can verify, through a performance bond, that reconstruction shall begin within sixty (60) days of the date of destruction or damage. The Planning Commission may extend the period of time for restoration of any building or structure when a state or local emergency shall render it impossible to make the restoration of the building or structure.

### Sec. 4.4. Extensions, Enlargements, Moving

A nonconforming use of any land or structure shall not be enlarged or extended. A nonconforming building or structure shall not be moved in whole or in part to another location, unless to a location where it would be conforming and such building or structure and all necessary and required off street parking spaces, yards, and other open spaces are made to conform to the regulations of the district in which the building or structure is proposed to be located.

**Sec. 4.5. Nonconforming Use Discontinued**

No building, structure or premises where a nonconforming use has ceased for more than six (6) months or has been changed to a use permitted in the district in which it is located shall be devoted to a nonconforming use, except as provided in Section 4.3 above.

**Sec. 4.6. Plans Already Filed**

In any case where plans and specifications for a building or structure have been filed which would conform with the zoning regulations effective at the date of the filing, but not with the regulations of this Ordinance, and where a building permit for the building or structure has been issued at the effective date of this Ordinance, the work may proceed provided it is undertaken within six (6) months of the effective date of this Ordinance

**Sec. 4.7. Nonconforming Due to Reclassification**

The foregoing provisions of this article shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of districts under this Ordinance or any subsequent change in the regulations of this Ordinance.

**Sec. 4.8. Elimination of Nonconforming Uses by Acquisition**

In accordance with Act 207 of the Public Acts of 1921, as amended, the Council may, from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or develop the property for a public use. The net cost of such acquisition may be made a special assessment against a benefit district, or may be paid from other sources of revenue legally available to the City.

## **Article 5**

### **Classifications of Districts**

#### **Sec. 5.1. Zone Districts**

For the purposes of this Ordinance, the City of St. Louis is hereby divided into eight (8) classes of zoned districts known as:

- R-1 Suburban Residential District
- R-2 One and Two Family Residential District
- R-3 Multiple Family Residential District
- PUD Planned Unit Development District
- R-4 Mobile Home Park District
- C-1 Central Business District
- C-2 General Business District
- I-1 General Industrial District
- I-2 Industrial Park District

#### **Sec. 5.2. Map**

The boundaries of all districts are established as shown on the “The Zoning Map of the City of St. Louis” which accompanies this Ordinance and is made a part of this section. Except where reference on the map is to a street line or other designated line by dimensions shown, the district boundary lines follow lot lines or the center lines of streets or alleys. Where a district line does not coincide with lot lines or street center lines or where it is not designated by dimensions, it shall be deemed to be one hundred fifty (150) feet from the nearest parallel street line.

#### **Sec. 5.3. Lot Divided by Zone Line**

Where a district boundary line divides a lot or parcel of land, the least restricted use shall not extend beyond said line.

#### **Sec. 5.4. Annexation**

When any area is annexed to the City of St. Louis, it shall be classified as being in whichever zoning district of this ordinance that most closely conforms with the zoning that existed prior to annexation; such classification to be recommended by the Planning Commission to the City Commission and the Commission shall approve same by resolution.

## **Article 6**

### **R-1 Suburban Residential District**

#### **Sec. 6.1. Purpose**

- (1) It is the purpose of this section to establish a district of semi-rural character to preserve open space and rural qualities. It is further the purpose of this section to accommodate limited single family housing without the benefit of city water or sewage facilities and to facilitate the limited development of those areas of the City, which may remain without such services for an extended period of time. This district includes existing low-density single-family properties, as well as areas within which that type of development appears both likely and desirable and the availability of water and sewer, by itself, may not constitute cause for instituting a higher density zoning.
- (2) The requirements for this district are designed to protect and stabilize the essential open space characteristics of these areas and to promote and encourage a suitable and safe environment for family life. Residential development involving higher population densities and requiring higher levels of public facilities and services shall be excluded from this District; but can be accommodated in the R-1 Suburban, R-2 One and Two Family, or the R-3 Multiple Family Residential Districts.

#### **Sec. 6.2. Permitted Uses**

- (1) One family dwelling.
- (2) Other Customary Accessory Uses and Buildings: Accessory uses that are customarily incidental to any principal use permitted in this district to the extent that those accessory uses do not constitute, create, or increase a nuisance in fact which adversely affects a legally conforming use of adjoining or nearby premises. Such accessory uses shall include home occupations as defined and limited in Article 2 and Section 17.3 and signs as specified in Article 21.
- (3) Planned Residential Development (see Article 18).
- (4) Recreation Uses: Public Parks, playgrounds, play fields, and other public open space for recreational uses.
- (5) Golf Courses and Country Clubs: This shall not be deemed to permit golf driving ranges or miniature golf courses. Only those accessory buildings related to the maintenance of the golf course shall not be located closer than one hundred (100) feet to any property line. Measures must be taken in course layout to avoid hazard to adjacent property owners.
- (6) Temporary Buildings or Trailers: For uses incidental to construction work. Shall not be for residential occupancy. Such buildings or trailers shall be removed upon the completion or abandonment of the construction work and before issuance of any occupancy permit.

- (7) Supplementary Uses: The temporary outdoor storage of not more than recreational vehicle upon each lot, provided, that the trailer is parked in a rear or side yard in conformance with the applicable yard requirements of the R-1 District.

### **Sec. 6.3. Uses Allowed by Special Permit**

The use shall meet the parking provisions of Article 20 and signs shall be regulated as provided in Article 20 as if the use were in an R-2 District. This subsection shall not be construed to permit the sale of machinery, products, food or merchandise, animal care or personal services not customarily conducted in an office.

- (1) Golf driving ranges or miniature golf courses: If on the same parcel of land as a golf course or country club.
- (2) Home occupations.
- (3) Religious Institutions: Churches, convents or similar institutions.
- (4) Riding horses for personal use of the property owner, provided there are no more than an average of two (2) horses per acre; that such animals are confined within an enclosed (fenced) area or stable and provision have been made for the timely removal of animal waste. The Special Use Permit may be issued by the Zoning Administrator provided the requirements of this subsection area met.
- (5) Public Buildings and Public Service Installations:
  - (a) Publicly owned and operated buildings including public utility buildings and structures, telephone exchanges, transformer stations, substations, gas regulator stations and other structures which would normally occupy a lot or parcel or the equivalent thereof. The erection, construction, alteration, or, maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical and telephone transmission systems, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection with the structure shall be permitted, but excluded from the provisions of this Ordinance. All utility installations shall be carried out in accordance with the applicable Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- (6) Adaptive reuse of school facilities (see section 17.3 (1)).

### **Sec. 6.4. Prohibited Uses**

Within any R-1 District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted by Section 6.1. Motels, hotels, row houses, garage apartments and the use of trailers as dwelling units are expressly prohibited.

**Sec. 6.5. Required Conditions**

Off-street parking shall be provided in accordance with the requirements of Article 20.

**Sec. 6.6. Height and Area Requirements (See Article 15 - Schedule of Regulations)**



# Article 7

## R-2 One and Two Family Residential District

### Sec. 7.1. Purpose

The One and Two Family Residence District is intended to accommodate a variety of housing types within medium density residential areas in the City of St. Louis. The One and Two Family Residential District encompasses the City's existing mature neighborhoods where new large scale residential development is highly unlikely, as well as newer less dense population, and where the character of the various neighborhoods will be retained. It also accommodates certain compatible nonresidential uses which do not overcrowd residential areas or congest local streets.

### Sec. 7.2. Permitted Uses

This district is intended primarily for single-family and two-family residential uses, but also allows church, school and certain public uses. The following uses are permitted:

- (1) One single-family residence on each lot, used as one dwelling unit.
- (2) A single residential building containing no more than two dwelling units on each lot.
- (3) Church and associated uses: Provided that any such building or structure shall be located at least twenty-five (25) feet from each lot and street line and all parking requirements are met.
- (4) School uses: Provided that any such building or structure shall be located at least fifty (50) feet from each lot and street line.
- (5) Public parks and recreation areas: Provided, that any building or structure on the site shall be located at least fifty (50) feet from each lot and street line;

Gardening and associated activities, excluding the keeping of small animals, within fifty (50) feet of any lot or street line.

- (6) Public library, museum, or art gallery: Provided that any such building or structure shall be located at least twenty-five (25) feet from each lot and street line and all parking requirements are met.
- (7) Accessory uses that are customarily incidental to any principal use permitted to the extent that such accessory uses do not constitute, create, or increase a nuisance in fact which adversely affects a legally conforming use of adjoining or nearby premises. Such accessory uses shall include home occupations as defined and limited in Section 17.3(22) and signs as specified in Article 21.

- (8) Off-street parking (see Article 21).
- (9) Supplementary Uses: The temporary outdoor storage of not more than one recreational vehicle upon each lot, provided that the trailer is parked in a rear or side yard in conformance with the applicable yard requirements of the R-2 District.

**Sec. 7.3. Uses Allowed by Special Permit**

The following special land uses are permitted in the R-2 District, under the conditions specified in this Ordinance.

- (1) Home occupations [see Section 17.3(22)].
- (2) Planned Residential Development (see Article 18).
- (3) Site Condominium Development (see Article 19).
- (4) Nonresidential parking for schools or churches (see Section 20).
- (5) Bed and breakfast operations [see Section 17.3(9)].
- (6) Child care/day care centers.
- (7) Adaptive reuse of school facilities (see section 17.3 (1)).

**Sec. 7.4. Prohibited Uses**

Within any R-2 District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in sections 7.2 and 7.3.

**Sec. 7.5. Required Conditions**

Off-street parking shall be provided in accordance with the requirements of Article 20.

**Sec. 7.6. Height and Area Requirements - (See Article 15 - Schedule of Regulations)**

## **Article 8**

### **R-3 Multiple Family Residential District**

#### **Sec. 8.1. Purpose**

The Multiple Family Residential District is intended to accommodate housing types within high density residential areas. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including high rise apartment structures and related institutional uses. These districts would be distributed within various planned locations throughout the City, be located adjacent to streets permitting good accessibility and be compatible with adjoining single-family neighborhoods.

#### **Sec. 8.2. Permitted Uses**

This District allows certain residential uses in addition to those permitted in One Family Residential and One and Two Family Residential Districts. The following uses are permitted:

- (1) All uses permitted by in the R-2 One Family and Two Family Residential District.
- (2) Low density residential buildings as specified in Section 17.3(6).
- (3) Lodging houses: Provided that not more than four (4) non-transient roomers are accommodated in one (1) dwelling and that the dwelling is occupied by a resident family.
- (4) Boarding houses: Provided that not more than four (4) non-transient persons are accommodated for the serving of meals and that said dwelling is occupied by a resident family.
- (5) Accessory uses that are customarily incidental to any principal use permitted by this section to the extent that such accessory uses do not constitute, create, or increase a nuisance in fact which adversely affects the legal use of adjoining or nearby premises. Such accessory uses shall include home occupations as defined and limited in Section 17.3(22) (home occupations) and signs as specified in Article 21.
- (6) Nonresidential off-street parking for schools or churches (see Article 20).
- (7) Supplementary Uses: The temporary outdoor storage of not more than one unoccupied travel trailer or camper trailer upon each lot, provided that the trailer is parked in a rear or side yard in conformance with the applicable yard requirements of the R-3 District.

#### **Sec. 8.3. Uses Allowed by Special Permit**

The following uses of land and structures may be permitted by the application for an issuance of a Special Use Permit under Article 17.

- (1) Churches, schools, and government buildings [see Sections 17.3(11) and 17.3(37)].

- (2) Convalescent or nursing homes, nursery schools, day nurseries [see Sections 17.3(15) and 17.3(16)].
- (3) Group housing developments of one (1) acre or more, excluding mobile homes and mobile home parks, but including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units, and other housing structures of a similar character [see Section 17.3(6)].
- (4) Planned Residential Development (see Article 18).
- (5) Funeral home, motel or office use when located within three hundred (300) feet of the C-1 Central Business District, subject to the following:
  - (a) All buildings shall conform to the residential character of the neighborhood.
  - (b) No part of the principal building shall be more than one hundred twenty-five (125) feet from the street right-of-way line, nor shall any new principal building be placed closer than twenty (20) feet to the next adjoining residentially zoned property on which an office use is not permitted by this section.
  - (c) Uses accessory to the principal use shall not extend more than two hundred (200) feet from the nearest street right-of-way line.
  - (d) Side yard requirements as to any side yard adjoining premises on which an office use is permitted by this section may be reduced to a minimum of three (3) feet.
  - (e) Off-street parking in the ratio of one square foot of parking area for each square foot of floor space shall be provided in accordance with Article 20.

#### **Sec. 8.4. Prohibited Uses**

Within any R-3 zoned district no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted by Sections 8.2. and 8.3.

#### **Sec. 8.5. Required Conditions**

The following requirements shall be complied with:

- (1) Off-street parking in accordance with Article 20.
- (2) All apartment or multiple family buildings shall provide public sewer and water to each dwelling unit.

A plot plan for all new buildings or conversions containing more than two (2) dwelling units shall be submitted to the plan commission for review and suggestion prior to the issuance of a building permit.

The Planning Commission shall ascertain that all the provisions of this Ordinance are complied with and that the location of buildings, sidewalks, yards, drives, drainage and landscaping are properly related to provide for safe traffic circulation, for the safety and convenience of the intended occupants and of adjacent property owners and for adequate access to all buildings in case of emergencies.

**Sec. 8.6. Height and Area Requirements (See Article 15 - Schedule of Regulations)**

## **Article 9**

### **Planned Unit Development District (PUD)**

#### **Sec. 9.1. Purpose**

The PUD District is established to facilitate mixed uses on a large (40 acre or more) site within the context of a planned development, including site condominium development. This district is intended to allow for the compatible placement of residential and limited commercial uses associated with a privately owned and operated golf course open to public use. All development in this district is intended to occur after submittal and approval of a site plan according to the standards, procedure, and requirements set forth in this Article or in Article 19, Site Condominium Development.

#### **Sec. 9.2 Permitted Uses**

The following uses of land and structures may be permitted within the PUD District, after the required review and approval process outlined in Section 9.6.

- (1) Golf Course and associated structures, including maintenance and storage buildings and office.
- (2) Single-Family Dwellings.
- (3) Condominiums, including Time-Share units.
- (4) Site Condominiums.
- (5) Limited Convenience Commercial, including party store, laundromat, gas service station, restaurant/lounge, and similar activities designed primarily to serve those residents and visitors within the PUD.
- (6) Accessory uses that are customarily incidental to any principal use permitted to the extent such accessory uses do not constitute, create, or increase a nuisance in fact which adversely affects a legally conforming use of adjoining or nearby premises.
- (7) Off-street parking (see Article 20).

#### **Sec. 9.3. Uses Allowed by Special Permit**

The following special land use is permitted in the PUD District, under the conditions specified in this Ordinance:

- (1) Home Occupations [see Section 17.3(22)]

**Sec. 9.4. Prohibited Uses**

Within the PUD District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 9.2 and 9.3.

**Sec. 9.5. Height and Area Requirements - (see Article 15 - Schedule of Regulations)**

**Sec. 9.6. Criteria for Review and Approval**

Before a building permit is issued for any structure or use permitted within the PUD District, the requirements of Article 16, Site Plan Review and Appearance Code Approval, must be met, except for Section 16.2(2). All new single or two family homes under separate ownership on individual lots for each home within the PUD are not exempt from Planning Commission review and must meet the requirements and conditions specified in the approved PUD site plan pertaining to single and two family homes.

# Article 10

## R-4 Mobile Home Park District

### Sec. 10.1. Purpose

The district is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development. The regulations applicable to this district are considered as minimum standards to be applied to all manufactured home park developments in the district.

### Sec. 10.2. Permitted Uses

- (1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this article.
- (2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
- (3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article, storage or out buildings, otherwise permitted in residential districts under this article.

### Sec. 10.3. Prohibited Uses

Within the R-4 District, no building structure or premises shall be used or erected which building structure or premises is intended or designed to be used in whole or in part for any use not permitted by Section 10.2.

### Sec. 10.4. Compliance with Mobile Home Commission Rules

No manufactured home park shall be established within the R-4 District unless the park complies with the rules of the Mobile Home Commission, Michigan.

### Sec. 10.5. Signs

One (1) sign not larger than thirty-two (32) square feet of sign face area, two-sided, for identification of the premises and use shall be placed at the main entrance of the mobile home park provided that it shall contain no other advertisement whatsoever. One (1) sign, two-sided, not larger than sixteen (16) square feet of sign face, limited to the same information and identification contained on the entrance sign, may be erected on any secondary entrance to the mobile home park adjoining a public road. All signs and entry ways shall be of a permanent nature and shall be compatible with the surrounding area. All signs shall be set back twenty (20) feet from an adjacent property line and the street property line and shall not exceed eight (8) feet in height.



### **Sec. 10.6. Greenbelt Buffer**

Within the premises upon which a mobile home park is located there shall be constructed a greenbelt buffer. After approval as a part of the site plan review process, there shall be no requirement that the buffer be changed due to future development.

- (1) The greenbelt buffer shall be twenty (20) feet wide on all side and rear lot lines abutting adjoining property.
- (2) Landscaping Materials. If the mobile home park abuts an existing residential development, screening shall be required in the buffer zones. Screening shall be with plants of six (6) feet in height at the time of planting, which shall obscure fifty (50) per cent of the view of the park, or a solid fence eight (8) feet in height obscuring one hundred (100) per cent of the view, or any combination of the above may be used to meet the intent of this Ordinance, to screen the mobile home park from abutting developed residential use district classifications, or residences, and also from any previously existing adjoining single-family residence, regardless of the zone in which the latter residence is located. All the screening shall obscure one hundred (100) per cent of the view at maturity. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber such as 0.4 wolmanized or similar approved treatment.

If a masonry fence is used, it shall have a foundation of at least forty-two (42) inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.

Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.

The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the site plan review process.

- (3) The greenbelt buffer, whether utilizing a fence, or trees and plantings, or both, shall in any event be compatible with the surrounding environment.

### **Sec. 10.7. Streets, Sidewalks and Public Ways**

Every mobile home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

- (1) *Access to public ways.* Where adverse topographic conditions of entry streets are encountered, a second street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The second entry may be a boulevard such that a stream would be crossed with two (2) independent adjacent bridges with each travel portion of the boulevard being at least thirteen (13) feet wide.
- (2) All streets within the mobile home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction including Construction Details of the Michigan Department of Transportation.
- (3) Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Public Health drainage standards.
- (4) Two-way streets within the mobile home park shall have a minimum traveled width of twenty-one (21) feet with no parking. One-way streets shall have a minimum traveled width of thirteen (13) feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the mobile home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16) feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.
- (5) Each street intersection within the mobile home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30) feet from the intersection or taller than three (3) feet from the center line elevation of the street.
- (6) Each intersection within the mobile home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
- (7) If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.

#### **Sec. 10.8. Off-Street Parking and Driveways**

- (1) All mobile home sites within the mobile home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent mobile home park street by hard-surfaced driveway at least ten (10) feet in width. Parking may also be provided on-street, provided that the parking lane width requirements of Section 10.6(3) above are complied with. Driveways shall also be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.

- (2) A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500) feet of the mobile home site it is intended to serve.
- (3) In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow mobiles, and the like.

#### **Sec. 10.9. Illumination**

All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:

- (1) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
- (2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
- (3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
- (4) If a central park mail box or park directory or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
- (5) All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.
- (6) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.

#### **Sec. 10.10. Water Supply, Fire Hydrants and Sanitary System**

Each mobile home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the mobile home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. When the property is more than one hundred fifty (150) feet along a public right-of-way from either City water or sewer supply lines or sewers, a private system may be installed, as is required to develop any other land in the City. Otherwise, each mobile home park shall be connected to the city water and/or sanitary sewage disposal systems and each mobile home site shall be connected.

**Sec. 10.11 Solid Refuse, Garbage and Recyclables**

- (1) Each mobile home park shall supply dumpsters and/or recyclable containers approved by the City for use of the mobile home park occupants only to dispose of solid refuse, garbage, recyclables and any other non-liquid items which the occupant wishes to permanently dispose of.
- (2) All such dumpsters/containers shall be placed on an approved Portland cement pad. The driveway leading to the dumpsters/containers plus a turn-around area for the refuse pickup truck shall be paved with a hard surface. It is recommended dumpsters/containers be screened from view of adjoining mobile homes.
- (3) The disposal of solid refuse shall comply with all City and other government requirements for refuse disposal. The area in which dumpsters/containers are located shall be kept in a clean and sanitary condition at all times. A sufficient number of dumpsters/containers shall be provided to contain the volume of refuse generated by the mobile home park.

**Sec. 10.12 Fuel Oil and LP Gas Storage**

Any fuel oil and/or LP gas storage shall meet the requirements of Public Act 96 of the Public Acts of 1987 as amended. If a centralized park liquid petroleum gas system or fuel oil system is incorporated within the mobile home park they shall comply with rules 935 through 937 of the Mobile Home Commission rules.

**Sec. 10.13 Utilities**

- (1) All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines when located on section quarter lines, shall be placed entirely underground throughout the mobile home park, provided, however, that when a mobile home park overlaps a sectional quarter line, main supply and perimeter feed lines located on such sectional quarter lines shall be placed underground. Primary voltage electric utility lines are not required to be underground but secondary voltage lines are subject to these regulations.
- (2) Conduits or cables shall be placed within private easements granted to the utility companies by the proprietor and/or developer all within the rights-of-way designated for travel by mobile home park residents. Telephone and electrical facilities shall be located in such rights-of-way so as not to conflict with other underground utilities. All telephone and electric facilities shall be constructed in accordance with the standards of construction approved by the Michigan Public Service Commission.

**Sec. 10.14. Lot Size, Side and Front Yards**

- (1) Mobile home parks shall be developed for sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) per cent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirement

be less than that required under R-125.1946, Rule 946, and R-125-1941, and R-125.1944, Rules 941 and 944 of the Michigan Administrative Code. No duplex or multi-family unit shall be allowed.

- (2) For purposes of this section, a mobile home includes an add-a-room, expand-o-room, porch, steps, carport, awning, deck, swimming pool, slide-o-bay or other object.
- (3) A mobile home shall be required to be set back the following minimum distances:
  - (a) Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
  - (b) Ten (10) feet from any of the following:
    1. An on-site parking space of an adjacent mobile home site.
    2. An attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
  - (c) Fifty (50) feet from permanent park-owned structures such as any of the following:
    1. Community buildings.
    2. Offices.
    3. Maintenance and storage facilities.
    4. Similar structures.
  - (d) One hundred (100) feet from a baseball or softball field.
  - (e) Twenty-five (25) feet from the fence of a swimming pool.
  - (e) On-site detached storage sheds shall be a minimum three (3) unobstructed feet from any mobile home served thereby, unless the wall adjacent to the mobile home is lined with Class A fire-resistant material.
  - (g) Attached or detached structures or accessory buildings of a mobile home that are not used for living space shall be a minimum distance of ten (10) feet from an adjacent mobile home or its adjacent attached or detached structures.
- (4) Any part or structure, such as steps, porches, supported or unsupported awning, deck, carport or garage, or similar structures, that are a part of a mobile home shall be set back the following minimum distances:
  - (a) Ten (10) feet from the edge of an internal road.
  - (b) Seven (7) feet from an off-site parking space.

- (c) Seven (7) feet from a common sidewalk.
  - (d) Twenty-five (25) feet from a natural or man-made lake or waterway.
- (5) Steps shall not encroach into parking areas.
- (6) The length of a mobile home site may vary, depending on park design and layout and the mobile home to be installed; however, the minimum standards pertaining to the distance between mobile homes shall be complied with.
- (7) Site dimensions may be computed to include the space requirements for mobile homes which may contain expand-o-rooms or may be computed in anticipation of the attachment of expansions, such as add-a-rooms.

**Sec. 10.15. Height**

No structure within the mobile home park shall exceed two and one-half (2-1/2) stories in height.

**Sec. 10.16. Open Space**

An open space dedicated to use by mobile home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2) per cent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to mobile home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.

**Sec. 10.17. Mobile Home Installation**

Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the mobile home commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Mobile Home Commission rules.

**Sec. 10.18. Site Plan Approval**

- (1) In accordance with Part 9 of the Mobile Home Commission rules and Article 16 Site Plan Review of this Ordinance, a preliminary plan shall be submitted to the City of St. Louis Planning Commission for approval and the planning commission shall render its response within sixty (60) days.
- (2) The Planning Commission shall defer to the City Manager for engineering approval and fire department approval with respect to those aspects of the plan which require staff approval pursuant to this Ordinance or in accordance with the Mobile Home Commission rules.

- (3) All plans submitted shall conform to the rules of the Mobile Home Commission and to this Ordinance.
- (4) Construction of mobile home parks shall not commence until the Mobile Home Commission has reviewed the owner's or developer's construction plans and issued its permit for construction.
- (5) The Planning Commission shall have the right and authority to require a mobile home park developer to file a performance bond or bank letter of credit with the City of St. Louis at the time of City approval of a preliminary plan for a new mobile home park or expansion of an existing mobile home park. The bond shall be in an amount equal to thirty-five (35) per cent of the estimated total project cost and shall be conditioned on proper construction and development. The value of the bond shall not exceed thirty- five (35) per cent of the estimated cost to develop the site. The bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which is a reasonable percentage of the estimated total cost of construction and site development.

The bond shall be for the purposes of securing the completion of improvements considered necessary to protect natural resources or to protect the health, safety and welfare of the residents of the City and adjacent residents and property owners. The City of St. Louis shall provide for the refund of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required.

#### **Sec. 10.19. Compliance**

A mobile home park owner or developer shall comply with this Ordinance and with the rules of the Mobile Home Commission. If the Mobile Home Commission should in the future impose a higher or more restrictive standard, then the Mobile Home Commission's standard shall take precedence.

# Article 11

## C-1 Central Business District

### Sec. 11.1. Purpose

The C-1 Central Business District is intended to permit a harmonious mix of commercial, administrative, financial, civic, cultural and entertainment activities to enhance the district as a high density commercial, service and cultural center. Public sidewalks and off-street parking serve both pedestrian and automobile traffic.

### Sec. 11.2. Permitted Uses

The following uses of buildings and premises, individually or in combination, shall be permitted in the C-1 District. Principal uses are permitted subject to an approved site plan (see Articles 16).

- (1) Retail commercial sales and services including, but not limited to, the following types of uses:
  - (a) Amusement establishment
  - (b) Bakery
  - (c) Bank or other financial institution
  - (d) Businesses or instructional schools
  - (e) Cleaning or dyeing establishment
  - (f) Fraternal Clubs and Lodges
  - (g) Funeral parlors/mortuaries
  - (h) Hotel
  - (i) Laundry
  - (j) Personal service establishments, such as barber or beauty shop, shoe repair, and establishment of a like nature
  - (k) Professional office
  - (l) Printing, publishing, lithography or photography establishment
  - (m) Restaurant



- (n) Retail store
  - (o) Theaters, public assembly halls, concert halls, meeting rooms and clubs, train, bus or taxi station or terminal
- (2) Residential apartments on the upper floors of a building conforming to the fire limits ordinance and housing code.
  - (3) Customary and accessory uses to the above permitted uses.

**Sec. 11.3. Uses Allowed by Special Permit**

The following special land uses are permitted in the C-1 Central Business District, subject to the requirements of Section 17.3.

- (1) Accessory processing, assembly or fabrication to the above permitted uses. In addition, the board may permit limited manufacturing uses for up to two (2) years where not more than six (6) persons are involved in said use provided the board can find that the use will not be detrimental to permitted uses or be located on the ground floor of a building and will conform to the fire limits ordinance. The permit may be renewed by the board upon reexamination of conditions. A nonrenewable three (3) year temporary permit may also be issued by the board for the uses on the ground floor under the same conditions.
- (2) Massage establishments.
- (3) Garages and service stations.
- (4) Wholesale business.
- (5) Animal (veterinary) hospitals/clinics.
- (6) Child care/day care centers.

**Sec. 11.4. Prohibited Uses**

Within any C-1 District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any of the following prohibited uses:

- (1) Manufacturing, processing, industrial storage or other industrial use except when permitted as an accessory use under Section 11.2 (3) above or a special use under Section 11.3 (1) above.
- (2) Churches, synagogues, mosques and similar religious institutions.
- (3) Every accessory use which constitutes, creates or increases a nuisance in fact so as to adversely affect a legally conforming use of adjoining or nearly premise.

- (4) Any use not similar to those permitted by right or special use in Sections 11.2 and 11.3.

**Sec. 11.5. Required Conditions**

The following conditions are required:

- (1) All business, service and processing shall be conducted within the confines of a building except the sale of automotive fuel, lubricants, radiator fluids and accessories at service stations, automobile display or sales accessory to the principal building of a new car dealer, off street parking and off street loading.
- (2) Off-street parking as required in Article 20 except as modified in Section 22.3.
- (3) Signs and billboards shall meet the requirements of Article 21.
- (4) Residential, institutional and other noncommercial uses shall meet the requirements of the R-3 Multiple Family Residential District.
- (5) Site plan review and approval must be obtained for all new construction and uses requiring new parking areas or additions to parking areas, in accordance with the provisions of Article 16 and Article 20.
- (6) For all lots in the Central Business District abutting on one or more sides of a Residential District all areas of trash storage and disposal visible from the Residential District, including dumpsters, must be screened by a six (6) foot opaque screen or fence or solid block or brick wall, but in no case less than six (6) inches in height over the top of the trash or dumpster (reference Section 22.4).
- (7) Mixed Occupancy - Before issuing a building permit for any construction for any premises intended for a combination of dwelling and commercial or dwelling and industrial occupancy, or which would result in an increased number of dwelling units within a building partly occupying business or industrial usage, or which would result in an increased area devoted to business or industrial usage, within a building partly occupied as a dwelling, the Zoning Administrator shall refer the plans to the Fire Chief and Health Department for their review of any fire or health hazards which exist or may be expected to exist. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

**Sec. 11.6. Height and Area Requirements - (See Article 15- Schedule of Regulations)**

**Sec. 11.7 Appearance Standards**

The following standards are intended to apply design principles to commercial buildings in the C-1 District. These standards are established to emphasize the importance of the design of the building site, including structures, plantings, signs, street hardware and other objects observed by the public. These standards are to be applied to new construction as well as additions or modifications to existing buildings which exceed fifty (50) percent of the floor area or fifty (50) percent of the exterior wall surface area of the

existing building, whichever is less. Submittal and approval requirements and procedures are identified in Article 16.

**(1) Factors for Evaluation**

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- (a) Conformance to ordinances and the Appearance Standards.
- (b) Logic of design.
- (c) Exterior space utilization.
- (d) Architectural character.
- (e) Attractiveness.
- (f) Material selection.
- (g) Harmony and compatibility.
- (h) Circulation - vehicular and pedestrian.
- (i) Maintenance aspects.

**(2) Relationship of Building to Site**

- (a) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, where possible, and safe pedestrian movement.
- (b) Without restricting the permissible limits of the C-1 District, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- (c) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

**(3) Relationship of Buildings and Site to Adjoining Area**

- (a) The proposed building shall be generally compatible with the architectural style of adjoining buildings. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- (b) Attractive landscape design transition to adjoining properties may be provided.
- (c) Harmony in texture, lines, and masses is required. Monotony shall be avoided.

(4) **Building Design**

- (a) While architectural style is not restricted it should reflect the historic character of existing development in the C-1 District. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- (b) Buildings shall have good scale and be in harmonious conformance with permanent neighborhood development.
  - 1. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - 2. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
  - 3. Materials shall be of durable quality.
  - 4. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- (c) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- (d) Colors shall be harmonious and shall use only compatible accents.
- (e) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- (f) Exterior lighting may be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- (g) Refuse and waste removal areas, service yards, storage yards, and exterior work shall be screened from view from public ways, using materials as stated in criteria for equipment screening and following the requirements of Section 3.
- (h) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

(5) **Signs** shall meet the requirements of Article 21 in additions to the following:

- (a) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

- (b) The back of the sign shall be mounted flat against the surface of the building. Projecting signs are not allowed.
- (c) The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- (d) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- (e) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- (f) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

**(6) Miscellaneous Structures and Street Hardware**

- (a) Miscellaneous structures and street hardware shall be designed to be a part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- (b) Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

**(7) Maintenance - Planning and Design Factors**

- (a) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- (b) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- (c) Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

# Article 12

## C-2 General Business District

### Sec. 12.1. Purpose

This district is intended for service businesses not customarily associated with compact retail trade establishments and retail uses requiring outdoor space or multiple accessory buildings for the conducting of business. The General Business District encourages commercial uses that can accommodate larger off-street parking facilities and complement pedestrian-oriented business in the C-1 District.

### Sec. 12.2. Permitted Uses

The following uses of buildings and premises, individually or in combination, shall be permitted in the C-2 District. Principal uses are permitted subject to an approved site plan (Articles 16).

- (1) Lumber and fuel yards, fuel distributors, building supply services and offices.
- (2) Gasoline service stations, automobile sales areas, and automobile repair shops.
- (3) Amusement establishments, bowling alleys, bakeries, cleaning or dyeing establishments, ice plants, laundries, transportation terminals or wholesale businesses.
- (4) Drive-in and drive-thru restaurants.
- (5) Offices, or flower shops.
- (6) Motels.
- (7) Open air businesses, including automobile, truck and recreation vehicles sales and service.
- (8) Farm implement sales and service.
- (9) Veterinarian offices, including retail sales of pet supplies and minor surgery/sterilization of small animal.
- (10) Health salons, exercise/body building facilities.
- (11) Supermarkets.
- (12) Mini-storage/self storage facilities.
- (13) Drive-thru banks/financial institutions.
- (14) Self-service laundry and dry cleaning establishments.

- (15) Minor assembly or repair operations accessory to a retail service such as building trade establishments and appliance repair shops.
- (16) Equipment rental/sales.
- (17) Medical/dental clinics.
- (18) Fraternal clubs and lodges.
- (19) Convalescent homes.
- (20) Tire shops.

**Sec. 12.3. Uses Allowed by Special Permit**

The following special land uses are permitted in the C-2 District, subject to the requirements of Section 17.3.

- (1) Commercial kennels.
- (2) Mortuaries/funeral homes.
- (3) Nurseries for plants and flowers, including greenhouses.
- (4) Radio and T.V. towers.
- (5) Trailer sales yards.
- (6) Campgrounds/travel trailer parks.
- (7) Drive-in theaters.
- (8) Animal (veterinary) hospitals/clinics.
- (9) Manufacturing, processing, industrial storage or other industrial use with 2,500 total square feet or less, including useable and non-useable space, and having no more than five (5) employees (full and part-time) including the owner. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and no other hours of operation shall be allowed.
- (10) Child care/day care centers.

**Sec. 12.4. Prohibited Uses**

Within any C-2 District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any of the following prohibited uses:

- (1) Churches, synagogues, mosques and similar religious institutions.
- (2) Any use not similar to the uses listed in Sections 12.3 and 12.3.
- (3) Any use prohibited in the C-1 District.
- (4) Residential construction, including single-family houses and multiple-family dwellings.

**Sec. 12.5. Required Conditions**

The following conditions are required:

- (1) All lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residential buildings or residentially zoned property.
- (2) Outside storage shall be allowed provided adequate screening is provided in accordance with the requirements of Section 3.30.
- (3) Where a new or expanded land use occurs in a C-2 District, after the effective date of this Ordinance, that abuts directly upon a residentially zoned district, protective screening shall be provided by a solid wood fence eight (8) feet in height or a solid planting strip to restrict views from the adjacent residential property. The planting strip shall be fifteen (15) feet in width and at least six (6) feet in height at planting.
- (4) Signs as provided in Article 21.
- (5) Yard Requirements along Zoning Boundary Line. A lot having a side yard line adjacent to any zoning boundary line of a more restricted district shall have a side yard not less than the minimum width required for the adjoining side yard for the more restricted district.
- (6) Open Space Minimum Area. Except in the C-1 District, all lots to be used for business, industry and public uses requiring parking for employees, shoppers, visitors and users, shall have fifteen (15) percent of lot area set aside as open space. This space shall only be occupied by lawn or landscape features as defined in Article 22 not obstructing areas for snow piling.
- (7) Site Plan Review. Site plan review and approval must be obtained for all new construction, and uses requiring new parking areas or additions to parking areas, in accordance with the provisions of Article 16 and Article 17.
- (8) Screening of Dumpsters. For all lots in the General Business District abutting on one or more sides of a Residential District, all areas of trash storage and disposal visible from the Residential District, including dumpsters, must be screened by a six (6) foot high screen fence, solid wall, or coniferous landscape material, but in no case less than six (6) inches in height over the top of the trash or dumpster (reference Section 3.30).



- (9) **Mixed Occupancy.** Before issuing a building permit for any construction for any premises intended for a combination of dwelling and commercial or dwelling and industrial occupancy, or which would result in an increased number of dwelling units within a building partly occupying business or industrial usage, or which would result in an increased area devoted to business or industrial usage, within a building partly occupied as a dwelling, the Zoning Administrator shall refer the plans to the Fire Chief and Health Department for their review of any fire or health hazards which exist or may be expected to exist. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit. Where mixed occupancy includes residential units the side and rear yard and area requirements of residential zones shall be met.
- (10) Off-street parking shall be provided in accordance with Article 20.

**Sec. 12.6. Height and Area Requirements - (also See Article 15)**

The following height and area regulations shall apply except as provided in Section 12.4(1):

- (1) **Height:** No building shall exceed a maximum of three stories or forty (40) feet in height, whichever is the lesser.
- (2) **Front yard:** There shall be a front yard of not less than twenty-five (25) feet from the street line, provided that where an existing setback line has been established by existing commercial buildings occupying forty (40) per cent or more of the frontage within the same block, the established setback shall apply. Off-street parking as required is permitted in the front yard provided no parking is nearer than ten (10) feet to the front street property line and that the ten (10) foot strip is planted and landscaped except for necessary entrance drives (see Article 22, Landscaping).
- (3) **Side yard:** There shall be two (2) side yards of at least seven (7) feet each, provided that no side yard need be provided adjacent to a railroad right-of-way. Parking is permitted in any side yard.
- (4) **Rear yard:** There shall be a rear yard of at least twenty (20) feet except adjacent to a railroad right-of-way where no rear yard is required. Parking is permitted in the rear yard.

# Article 13

## I-1 General Industrial District

### Sec. 13.1. Purpose

The I-1 General Industrial District is intended to accommodate a broad range of industrial uses such as manufacturing, warehousing, wholesaling, and transport terminal activities. The industrial uses may be conducted as open-air activities or within an enclosed structure. These regulations are established to permit industrial activities, provided performance standards related to smoke, noise, vibration, odor, glare and other environmental factors are met.

### Sec. 13.2. Permitted Uses

Within the I-1 General Industrial District the following specific uses are permitted:

- (1) Research, testing and laboratory facilities.
- (2) Warehouse, wholesale or material distribution centers.
- (3) Manufacturing, processing, assembling, or packaging of:
  - (a) Food and beverages.
  - (b) Pharmaceuticals and cosmetics.
  - (c) Appliances, tools, hardware and office machines.
  - (d) Electrical parts and electronic, scientific and musical instruments.
  - (e) Heavy machinery and transportation equipment.
- (4) Products made of glass, rubber, cloth, plastic, ceramics, paper and metal.
- (5) Shops for plumbing, sheet metal, machine work, woodworking, and tool and die making.
- (6) Printing, publishing and related activities.
- (7) Contractor's yards, shops and offices.
- (8) Trucking terminal facilities.
- (9) Granaries.
- (10) Lumber yards.

- (11) Storage of waste disposal/resource recovery vehicles.
- (12) Tire shops.
- (13) Prison and related facilities.

Accessory uses, buildings, and structures clearly appurtenant to and customarily associated with the principal use of the lot including:

- (1) Restaurant or cafeteria facilities for employees.
- (2) Living quarters for caretakers or watchmen located within the main building.
- (3) Office facilities.

**Sec. 13.3. Uses Allowed by Special Permit**

The following special land uses are permitted in the I-1 District, subject to the requirements of 17.3.

- (1) Junk and Salvage Yards.
- (2) Resource Recovery Facilities.
- (3) Commercial Cleaning Plants.
- (4) Commercial Livestock Sales Yards.
- (5) Chemical Manufacturing and Processing, except for pharmaceuticals and cosmetics which are allowed by right in Section 13.2.
- (6) Manufacture of Stone or Tile Products.
- (7) Growing and Processing of Fish.
- (8) Storage of Bulk Petroleum Products.
- (9) Adult book stores, adult theaters, adult live entertainment establishments.

**Sec. 13.4. Prohibited Uses**

Within any I-1 District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any of the following prohibited uses:

- (1) Any use not mentioned in Sections 13.2 and 13.3.

- (2) Churches, synagogues, mosques and similar religious institutions.
- (3) Any use which by reason of odor, fumes, dust, smoke, air pollution, vibration, noise, waste disposal, electrical interference, disturbance or glare, or the hazard of fire, explosion, atomic or other form of radioactivity; is or would be dangerous, injurious, noxious, annoying or otherwise deleterious to other lawful uses of property.
- (4) Any use which does not or would not conform to the performance standards of this Ordinance identified in Section 3.29. It is not intended that the following types of industrial uses should be permitted in the City of St. Louis, provided that the Planning Commission may permit the uses under bond as may be determined by the Planning Commission as sufficient to ensure full compliance with the performance standards in actual operation.
  - (a) The manufacture of glue or gelatine, acids, acetylene gas, celluloid or cellulose, pyroxilin plastics, chlorine or bleaching powder, creosote, explosives, fireworks or matches, fertilizer or paint.
  - (b) The processing of animal offal, or pulp into paper or cardboard, or the processing of alfalfa.
  - (c) The refining of potash or petroleum.
  - (d) The storage of bulk petroleum products.
  - (e) The storage, dismantling, fabrication or converting of junk, including used automobiles and other automotive equipment not to be sold entirely as power units in running order.
  - (f) Cement and asphalt production and packaging, metal reduction or smelting.
  - (g) Steel furnace, blooming or rolling mill.
  - (h) The incineration or reduction of dead animals, offal or garbage.
  - (i) Crematory, except in connection with a cemetery.

**Sec. 13.5. Performance Standards**

Before the issuance of any building or occupancy permit in this zone district, the applicant will meet the performance standards specified by Section 3.29, or that any violation of these standards in subsequent operation will be corrected, the costs of inspection by experts for compliance to be borne by the applicant.

**Sec. 13.6. Required Conditions**

The following conditions are required:

- (1) No improvements shall be erected, placed or altered on a building site until a site plan showing the location of proposed improvements is approved by the Planning Commission.

- (2) Off-street parking and loading shall be provided in accordance with Article 20. Off-street parking, except for visitor parking, shall not be located within the required front yard setback. Off-street parking may be provided in side and rear yard setbacks provided no parking area shall be located nearer than five (5) feet from any lot line.
- (3) Signs and billboards shall meet the provisions of Article 21.
- (4) The portion of the required front, side and rear yard setbacks not occupied by permitted improvements shall be landscaped with lawn, shrubbery, trees, or suitable living plant materials. Landscaping shall be maintained in a living condition, free of litter, debris or dead or dying plant materials, in conjunction with Article 22.
- (5) All principal operations shall be conducted within the confines of an enclosed structure. Outdoor storage of equipment, raw materials, semi-finished or finished products may be permitted only when the outdoor storage is necessary and incidental to the operations being carried out within the enclosed structure on the building site. No storage shall be permitted within the front yard setback and all storage areas shall be shielded from neighboring properties and public streets by fences or landscaping.

**Sec. 13.7. Height and Area Requirements - (see Article 15)**

**Sec. 13.8. Ponds**

The City Council finds that in order to secure the public health, welfare and safety and in order to preserve ecologically important features, the regulation or the establishment and maintenance of ponds is required.

- (1) Special use Permit Required: Ponds shall be permitted in the residential districts of the City only upon compliance with the terms of this ordinance and issuance of the special use permit after hearing by the City Planning Commission.
- (2) Application and Procedure for Review and Consideration:
  - (a) Application shall be made to the City Building Inspector. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond will be established, and a site plan submitted in accordance with the Zoning Ordinance Site Plan Review Procedures.

In addition to the foregoing the applicant shall documentary evidence that the Gratiot County Drain Commission and/or the Michigan Department of Natural Resources or Department

- (b) The application shall be accompanied by documentary evidence supplied by a licensed excavator, professional engineer, or similarly professional stating that water can be continuously maintained in a safe, healthy, ecological manner in the pond once the pond is constructed.

- (3) Design Requirements: Every pond permitted pursuant to the provisions hereof shall comply with the following minimum design requirements:
- (a) The pond may not have a riser or other means of routing or discharging water from the Pond to another area.
  - (b) The pond cannot be a part of the County or other governmental drainage system, wet land, or waterway.
  - (c) To the extent that the pond has an irregular shape, it shall be designed in such a fashion so as not to create stagnant areas and to allow for good circulation ease of maintenance.
  - (d) The pond shall not be constructed on any lot or parcel of land which is less than two (2) acres in size.
  - (e) The pond shall be maintained in a safe, healthy and ecological manner.
  - (f) All soil and other materials excavated during the construction of the pond shall remain a pond the lot or parcel of pond upon which the pond is located.
  - (g) The lot or parcel on which the pond is located shall contain natural land forms which are so arranged to ensure that the change of elevation within the site includes slopes of 10% or less.
  - (h) The lot or parcel upon which the pond is located and any adjacent parcels shall not contain natural assets including trees, wood lots, endangered species habitats, wet lands, 100 year flood plains, natural water sheds, or similar features that would be altered by the establishment of the pond.
  - (i) The pond shall not be constructed within fifty (50) feet of any existing city and/or county drain.
  - (j) The pond shall not be constructed within fifty (50) feet of any existing wet land.
  - (k) The minimum set back of twenty-five (25) feet shall be maintained from any property line.
  - (l) The distance of not less than twenty-five (25) feet shall be maintained between the outside edge of the pond and any building.
  - (m) A distance of two hundred (200) feet shall be maintained between any boundary of the pond and any overhead electrical transmission line.
  - (n) Slopes of excavation of the pond shall not exceed a ratio of four (4) horizontal feet to one vertical foot, to a depth below the water of six (6) feet.
  - (o) All areas disturbed during construction shall be seeded with grasses and maintained in good condition such as to prevent erosion.

- (p) A fence of not less than four (4) feet in height shall be installed and maintained around the pond.
  - (q) A pond shall not be constructed so as to cross or extend beyond existing property lines.
  - (r) The pond constructed pursuant to this ordinance shall be deemed in accessory use.
- (4) Permit Limitations:
- (a) Construction of the pond shall be completed within six (6) months of the date of issuance of a special use permit provided, however, that upon application the planning commission may extend such permit for one (1) additional six (6) month period upon a showing by the applicant that completion was rendered impractical due to circumstances which were beyond the control of applicant.
  - (b) Nothing contained herein shall relieve the applicant from compliance with all other land development or environmental standards established by the City or by any other regulatory authority.
- (5) Fees Required Upon Filing an Application to Construct a Pond: The applicant shall pay a fee in an amount which shall be determined by the City Council by resolution, from time to time.

# Article 14

## I-2 Industrial Park District

### Sec. 14.1. Purpose

The I-2 Industrial Park District is intended to accommodate industrial uses such as manufacturing, warehousing, and wholesaling activities which are compatible with an industrial park setting. The purpose of this district is to provide suitable sites for industry, free from encroachment by incompatible residential and commercial uses, while ensuring that permitted industrial uses will have minimal detrimental effect on surrounding areas of the community. These regulations are established to permit the industrial activities, provided that performance standards related to smoke, noise, vibration, odor, glare and other environmental factors are met.

### Sec. 14.2. Permitted Uses

Within the I-2 Industrial Park District, the following specific uses are permitted:

- (1) Research, testing, and laboratory facilities.
- (2) Warehousing, wholesale or material distribution centers.
- (3) Manufacturing, processing, assembling, or packaging of:
  - (a) Food and beverages.
  - (b) Pharmaceuticals, chemicals and cosmetics.
  - (c) Appliances, tools, hardware and office machines.
  - (d) Electrical parts and electronic, scientific and musical instruments.
  - (e) Heavy machinery and transportation equipment.
  - (f) Products made of glass, rubber, cloth, plastic, ceramics, paper and metal.
  - (g) Furniture (indoor and outdoor).
- (4) Shops or plumbing, sheet metal, machine work, woodworking, and tool and die making.
- (5) Printing, publishing, and related activity.
- (6) Commercial cleaning plants.



- (7) Accessory uses, buildings, and structures clearly appurtenant to and customarily associated with the principal use of the lot including:
  - (a) Restaurant or cafeteria facilities for employees.
  - (b) Living quarters for caretakers or watchmen located within the main building.
  - (c) Office facilities.

**Sec. 14.3. Uses Allowed by Special Permit**

- (1) Sweetening plant for the removal of sulfur compound for natural gas.

**Sec. 14.4. Prohibited Uses**

- (1) Within the I-2 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Section 14.2 or 14.3.
- (2) Churches, Synagogues, masques and similar religious institutions.
- (3) Any use which by reason of odor, fumes, dust, smoke, air pollution, vibration, noise, waste, disposal, electrical interference, disturbance or glare; or the hazard of fire, explosion, atomic or other form of radioactivity; is or would be dangerous, injurious, noxious, annoying or otherwise deleterious to other lawful uses of property.
- (4) Any use which does not or would not conform to the performance standards of this Ordinance (Section 3.29). It is not intended that the following types of industrial uses should be permitted in the City of St. Louis, provided that the Planning Commission may permit the uses under bond as may be determined by the Planning Commission as sufficient to ensure full compliance with the performance standards in actual operation.
  - (a) The manufacture of glue or gelatine, acids, acetylene gas, celluloid or cellulose, pyroxilin plastics, chlorine or bleaching powder, creosote, explosives, fireworks or matches, fertilizer or paint.
  - (b) The refining of potash or petroleum.
  - (c) The storage of bulk petroleum products not approved by the building inspector and the fire chief.
  - (d) Steel furnace, blooming or rolling mill.

**Sec. 14.5. Performance Standards**

Before the issuance of any building or occupancy permit in this zone district, the applicant shall sign an agreement that the use of the property will meet the performance standards specified by Section 3.29, or

that any violation of these standards in subsequent operations will be corrected with the costs of inspection by experts for compliance to be borne by the applicant.

**Sec. 14.6. Required Conditions**

In addition to the requirements of Section 14.5, the following conditions are required:

- (1) No improvements shall be erected, placed or altered on a building site until a site plan showing the location of proposed improvements is approved by the Planning Commission.
- (2) Off-street parking and loading shall be provided in accordance with Article 20. Off-street parking, except for visitor parking, shall not be located within the required front yard setback. Off-street parking may be provided in side and rear yard setbacks provided no parking area shall be located nearer than five (5) feet from any lot line.
- (3) Signs and billboards shall meet the provisions of Article 21.
- (4) The portion of the required front, side and rear yard setbacks not occupied by permitted improvements shall be landscaped with lawn, shrubbery, trees, or suitable living plant materials. Landscaping shall be maintained in a living condition, free of litter, debris or dead or dying plant materials.
- (5) All principal operations shall be conducted within the confines of an enclosed structure. Outdoor storage of equipment, raw materials, semi-finished or finished products may be permitted only when the outdoor storage is necessary and incidental to the operations being carried out within the enclosed structure on the building site. No storage shall be permitted within the front yard setback and all storage areas shall be shielded from neighboring properties and public streets by fences or landscaping.

**Sec. 14.7. Height and Area Requirements - (see Article 15, Schedule of Regulations)**

# Article 15

## Schedule of Regulations

### Sec. 15.1. Schedule of Regulations

The following table presents the minimum and maximum area, height, and distance requirements for each district with the St. Louis Zoning Ordinance.

Zoning Districts	Minimum Lot Size Per Dwelling Unit/Main Structure		Maximum Heights of Structure	Minimum Yard Setback (Ft.)			Minimum in Floor Area	Maximum Lot Coverage Including Accessory Buildings
	Area (Sq. Ft.)	Width (Ft.)	In Feet	Front	Side	Rear	(Sq. Ft.)	
R-1 Suburban Residential	12,000	100	35	30	10 <sup>A</sup>	25	1,200	25%
R-2 One & Two Family Residential	8,500	66	35	20	8 <sup>B</sup>	25	1,000 <sup>C</sup>	25%
R-3 Multiple Dwelling Residence	4,000 <sup>D, E</sup> 8,500 <sup>F</sup>	66	35	20	10 <sup>A</sup>	25	800 <sup>G</sup> 600 <sup>H, I</sup>	N/A
R-4 Mobile Home Park	4,400 <sup>I</sup>	50	35 <sup>J</sup>	N/A	N/A	N/A	N/A	N/A
C-1 Central Business	None	None	40	None	None	10	None	N/A
C-2 General Business	None	None	35	25 <sup>K</sup>	7	20	None	N/A
I-1 General Industrial	15,000	100	35 <sup>L</sup>	25	15 <sup>M</sup>	25	None	N/A
I-2 Industrial Park	1 Acre	150	35 <sup>L</sup>	40	20 <sup>M</sup>	25	None	N/A

<sup>A</sup> Minimum combined side yard setbacks – 25'; minimum setback on side yard that abuts an alley – 15'. Where side yard is adjacent to a side street, front yard provisions shall apply.

<sup>B</sup> Minimum combined side yard setbacks – 20'; minimum setback on side yard that abuts an alley – 10'. Where side yard is adjacent to a side street, front yard provisions shall apply.

<sup>C</sup> Represents 50 sq. ft. for a dwelling having more than one story, 600 sq. ft. per dwelling unit in a 2-family dwelling.

<sup>D</sup> Minimum lot size per dwelling unit for duplex and multiple family developments.

<sup>E</sup> In multi-family dwelling, area occupied may be total site area exclusive of any dedicated public right-of-way of either interior or bounding roads, utility easements or dedicated open space.

<sup>F</sup> Minimum lot size for single family detached dwelling.

<sup>G</sup> Square foot per single family dwelling.

<sup>H</sup> Minimum average floor area per dwelling unit in multi-family dwellings.

<sup>I</sup> Minimum floor area per multiple family unit: Efficient: 350 SF – One Bedroom: 400 SF – Two Bedroom: 600 SF – Three Bedroom: 720 SF – Four+ Bedroom: 800 SF + 80 SF for each additional bedroom.

<sup>J</sup> Average of mobile home sites shall equal a minimum, of 5,500 feet. This may be reduced for each site up to 20%, to a minimum of 4,000 sq. ft. for each sq. ft. of reduction below 5,500 feet. One sq. ft. shall be dedicated as open space within the mobile home park.

<sup>K</sup> Where existing commercial buildings occupy 40% or more of the frontage within the same block, the established front yard setback of those buildings shall apply.

<sup>L</sup> Excluding antennas, water towers, chimneys, elevator, housing and similar structure.

<sup>M</sup> Where side yard is adjacent to a side street, front yard provisions shall apply.

# Article 16

## Site Plan Review and Appearance Code Approval

### Sec. 16.1. Purpose

Before a building permit is issued for any use identified as requiring a building permit, a site plan shall be submitted to the Zoning Administrator for review and approval. In addition, all new commercial, industrial, institutional, multiple-dwelling and multiple-family developments and substantial modifications to such development (25% or more of the existing floor area or front wall surface area) require a site plan be submitted and approved by the Planning Commission.. Appearance Code Standards and Landscape Standards must be adhered to (see Sections 11.7 and 22.3 through 22.5). Before granting approval, the Planning Commission shall determine that all applicable provisions of this Article are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

### Sec. 16.2. Scope

- (1) Except as set forth below, the Zoning Administrator or Building Administrator shall not issue a zoning permit for construction of any buildings, structures, or uses until a site plan, submitted in accordance with this zoning ordinance, shall have been reviewed and approved and signed by the Planning Commission.
  
- (2) The following buildings, structures, or uses shall be exempt from site plan review and procedures.
  - (a) Single or two-family homes under separate ownership on an individual and separate lot for each home, and including Accessory Uses.
  
  - (b) Interior, accessory, and subordinate buildings that require no new or additional means of access from adjoining public roads or highways and that comply with all zoning ordinance requirements.
  
  - (c) Projects involving the expansion, remodeling, or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access from adjoining public roads or highways, or additional off-street parking, except for appearance standards defined in Section 11.7 for all new, expanded, remodeled, or enlarged buildings exceeding twenty-five (25) percent of the existing floor area or building facade surface.
  
  - (d) Additional buildings or structures similar to those previously existing upon an individual site complying with all zoning ordinance requirements and requiring no new or additional means of access from adjoining public roads or highways for such purposes, and which do not

require any additional parking area to comply with the requirements of Article 20. Appearance standards in Section 11.7 must be adhered to.

- (e) On-premises advertising signs.

**Sec. 16.3. Optional Sketch Plan Review**

(1) Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of this procedure is to allow discussion between an owner and the Planning Commission to better inform the owner of the acceptability of the owner's proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. The sketch plan shall include, as a minimum, the following information:

- (a) The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
- (b) A legal description of the property.
- (c) Sketch drawings showing tentative site and development plans.

(2) The Planning Commission shall not be bound by a tentative approval given at this time.

**Sec. 16.4 Application Procedure**

Requests for final site plan review shall be made by filing with the Zoning Administrator the following items:

- (1) A review fee as determined by resolution of the City Council based upon the cost of processing the review. The resolution setting the fee shall be on file with the City Clerk for public information.
- (2) Seven (7) copies of the completed application form for site plan review which shall contain, as a minimum, the following information:
  - (a) The name and address of the applicant.
  - (b) The legal description of the subject parcel of land.
  - (c) The area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
  - (d) The present zoning classification of the subject parcel.
  - (e) A general description of the proposed development.

- (3) Seven (7) copies of the proposed site plan which shall include, as a minimum, the following information:
- (a) The plan shall be drawn to an appropriate scale not smaller in size than one (1) inch equals twenty (20) feet for a development of not more than three acres, and a scale smaller in size than one (1) inch equals one hundred (100) feet for a development in excess of three (3) acres.
  - (b) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.
  - (c) The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property.
  - (d) The topography of the site (if over one acre in size) with at least two (2) foot contour intervals and all natural features such as wood lots, streams, rivers, wetlands, unstable soils, and similar features shall be shown.
  - (e) Existing man-made features upon the site and within one hundred (100) feet of the ownership site boundary shall be identified and located.
  - (f) The location, proposed finished floor and grade line elevations, the size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, and the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple-family residential development shall also include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit by type or size (i.e. 1, 2 or 3 bedroom).
  - (g) All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in off-street parking areas, associated service lanes and service parking and delivery or loading areas. The requirements of Article 20 shall be met. Sidewalks are required which meet ADA access, for inter site access, as well as public access across the property along all road frontage.
  - (h) The location, use, and size of open spaces, together with landscaping, screening, fences, walls, and proposed alterations of topography or other natural features shall be indicated.
  - (i) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying these demands. For development within the C-1 District, applicable appearance standards must be met.

- (j) Any earth-change plans required by state law shall also be submitted with the application.
- (k) On-site lighting, curb cuts, surface water drainage for the site, and proposed locations for sanitary sewage disposal and water supply shall be shown on the site plans.
- (l) The site plan shall include any other information as may be determined to be necessary by the Planning Commission because of any peculiar features of the proposed development.
- (m) In addition to the above, all new buildings and existing buildings (with modifications, expansion or renovations exceeding twenty-five (25) percent of the floor area or front wall surface of the existing building whichever is less) in the C-1 District shall be required to submit the following for determination of conformance with the Appearance Standards in Section 11.7:
  - 1. An adequate number of color photographs are required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.
  - 2. Calculations for determining the required number of trees to be placed within the proposed parking area (if any) must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
  - 3. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included).
  - 4. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number and spacing of all plantings must be illustrated and conform to the requirements of Section 22.3.
  - 5. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
  - 6. Location of all existing (to remain) and proposed exterior lighting standards, complete with routing of electrical supply and isofootcandle diagram.
  - 7. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information:
    - a. Scale;
    - b. All signs to be mounted on the elevations;

- c. Designation of kind, color, and texture of all primary materials to be used.

8. Material samples are required for all major materials.

**Sec. 16.5. Action on Application and Plans**

- (1) The Zoning Administrator shall record the date of the receipt of the application and plans, and may transmit copies thereof to the Planning Commission, the City Zoning Administrator, the City Engineer, the Police Chief and Fire Chief, and copies to the other affected City Departments. Applications for Appearance Code approval only, related to modification (not expansion) of an existing structure, shall be submitted only to the Chairman of the Planning Commission.
- (2) In the case of a Site Plan Review for a Special Use Permit, a hearing shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of the City Engineer, the Zoning Administrator and the Police Chief and Fire Chief. Members of the Planning Commission shall be delivered copies of the application and plans prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than thirty (30) days following the date of the receipt of the plans and application by the Zoning Administrator.
- (3) In the case of an Appearance Code application approval related to building modification, the members of the Planning Commission shall receive copies of the application and components identified in Section 16.4.(3)(m) prior to the scheduled hearing. The hearing shall be scheduled within not more than thirty (30) days following the date of the receipt of the plans and application by the Chairman of the Planning Commission.
- (4) The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to that date.
- (5) Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made within thirty (30) days of receipt of the application by the Zoning Administrator.
- (6) Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the



activity authorized shall be consistent with the approved site plan, or building design/appearance, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

**Sec. 16.6. Criteria for Review**

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to the applicable site requirements in Section 16.3. For Appearance Code approval, the Planning Commission shall be governed by the standards in Section 11.7. For landscape approval the standards of Sections 22.3 through 22.5 shall apply.

- (1) There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.
- (2) The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.
- (3) As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
- (4) Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways (see applicable District requirements).
- (5) The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
- (6) The site plan must comply with all provisions of the zoning ordinance. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

**Sec. 16.7. Conformity to Approved Site Plan/Design Appearance Standards**

- (1) Revocation of site plan/design approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Planning Commission. Buildings and site in conformance in the Appearance Code must be constructed or modified in compliance with the design as approved by the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design appearance shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning

Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan/design appearance approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

- (2) Criteria for commencing construction. Approval of the site plan/design appearance shall be valid for a period of one year. If a building permit has not been obtained and on-site development actually commenced within one year, the site plan approval and/or design appearance approval shall become void and a new application for site plan/design appearance approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

#### **Sec. 16.8. Amendment to Site Plan/Design Appearance**

A proposed amendment, modification, or alteration to a previously approved site plan/design appearance may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

#### **Sec. 16.9 Performance Bond**

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement or a bank letter of credit in a form approved by the Zoning Administrator to ensure the development of the site in accordance with the approved site plan or design appearance, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site.

# Article 17

## Special Land Use Requirements

### Sec. 17.1. Purpose

This Ordinance is based upon the premise that the City is divided into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without considering, in each case, the impact of those uses upon neighborhood land. These include public and private uses that are of such an unusual nature that their operation may give rise to unique problems that impact upon neighboring property or public facilities.

### Sec. 17.2. General Provisions

- (1) INITIATION OF SPECIAL LAND USE. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest and which is specifically enforceable, may file an application to use the land for one or more of the special uses provided for in this section in the zoning district in which the land is located.
- (2) APPLICATION OF SPECIAL LAND USE. An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures:
  - (a) Submission of Application: Any application shall be submitted through the Building Inspector on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the City Council by resolution to cover costs of processing the application. No part of any fee shall be refundable.
  - (b) Data Required: Every application shall be accompanied by the following information and data:
    1. The special form supplied by the Building Inspector filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section 17.2(6).
    2. Site plan, plot plan, development plan, drawn to scale (preferable 1"=100'), of total property involved showing the location of all abutting streets, the location and extent of all above ground development, both existing and proposed.
    3. Preliminary plans and specifications of the proposed development.

- (3) NOTICE OF REQUEST. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall contain the following information.
- (a) Description of the nature of the special land use request.
  - (b) Indication of the property which is the subject of the special land use request.
  - (c) Statement of when and where the special land use request will be considered.
  - (d) Indication of when and where written comments will be received concerning the request.
- (4) PUBLIC HEARING. At the initiative of the Planning Commission, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of property being considered for special land use approval (as provided in division (3) above), a public hearing (with appropriate notification as provided in division (3) above), shall be held before a decision on the special land use request shall be made. If just the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification is given of the request for special land use approval as required by this section.
- (5) AUTHORIZATION. The Zoning Administrator shall review each application for a special land use, and make a recommendation to the Planning Commission. The Planning Commission may deny, approve, or approve with conditions any application for a special land use. The Planning Commission shall incorporate its decision in a statement of conclusions pertaining to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. Except as provided for below, approval of a special land use shall require an affirmative vote of a majority of the members of the Planning Commission. In the event a protest petition signed by at least twenty (20) percent of the owners of property within three hundred (300) feet of the property in question is filed at or before the time of the initial public hearing, the request may be approved only by an affirmative vote of two-thirds or more of the entire membership of the Planning Commission.

- (6) GENERAL REQUIREMENTS FOR APPROVAL. The request for special land use approval must meet the following general standards, as well as the more specific requirements for the applicable requested land use in Section 17.3. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:
- (a) Be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of the City of St. Louis.
  - (b) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
  - (c) There is a proper relationship between the thoroughfares and proposed service drive, driveways, and parking areas.
  - (d) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas are such that the adverse affects of such uses will minimize for occupants of that use and the occupants of surrounding areas.
  - (e) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides.
  - (f) Natural resources are preserved by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.
  - (g) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
  - (h) Location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
  - (i) Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area and conform to the requirements of Article 22.
  - (j) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
  - (k) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.

- (l) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
  - (m) Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.
- (7) **CONDITIONS AND GUARANTEES.** Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section and Section 17.3. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the special land use are being, and will be, complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner. The City Clerk shall maintain a record of changes granted in the conditions.
- (8) **PERMIT EXPIRATION.** A special use permit issued under this section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Building Inspector shall notify the applicant, Planning Commission and City Council in writing of the expiration or revocation of said permit.
- (9) **EFFECT OF DENIAL OF A SPECIAL LAND USE.** No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Administrator and the Planning Commission.
- (10) **REVOCAION.** In any case where a special land use has not been established within one year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without further action by the Planning Commission. In addition, a special land use can be revoked by the Planning Commission under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.
- (11) **APPEAL.** The decision of the Planning Commission may be appealed to the Zoning Board of Appeals by the property owner, the owner's designated agent, or any adjacent property owner within three hundred (300) feet of the property in question. Request for appeal must be made by written letter to the Zoning Administrator within ten (10) days of the action taken on the Special Use Permit by the Planning Commission.

**Sec. 17.3. Designated Special and Permitted Land Uses - Specific Provisions**

These Permitted Uses and Uses allowed by Special Permit enumerated in any zoning district, if included below, shall be subject to all the conditions and requirements of this Article, as well as applicable provisions in Article 20 - Off-Street Parking and Loading and Article 21 - Signs.

- (1) ADAPTIVE REUSE OF SCHOOL FACILITIES. The City recognizes that, at times, public schools, which are generally located in residential districts, may cease to operate as such and other uses may be proposed for the facilities. The proposed new uses may not generally be allowed in a residential district. However, the City is in favor of productively reusing the building and grounds provided that the uses can fit within the context of the existing zoning district and do not negatively impact the neighborhood. The following factors and questions shall be considered when examining a request for a special use permit for existing facilities on a school site:
  - (a) Is the proposed type of business compatible with the existing residential neighborhood?
  - (b) How much and what type of traffic will be generated with the proposed use?
  - (c) Will the traffic be significantly different from when the facility was operated as a school?
  - (d) Do the proposed hours of use conflict with the residential setting?
  - (e) Will noise be typically more than that associated with a school facility?
  
- (2) ADULT BOOK STORE, ADULT LIVE ENTERTAINMENT ESTABLISHMENT, ADULT THEATER, MESSAGE ESTABLISHMENT. The purpose and intent of requiring the following standards for adult bookstores and entertainment facilities is to prevent conditions that would presently or ultimately lead to blight and deterioration.
  - (a) No adult bookstore or entertainment use shall be located within one thousand (1,000) feet of a church, school, public park, noncommercial public assembly facility or public office building.
  - (b) The site shall not be adjacent to or within three hundred (300) feet of any residential area or Residential Zone.
  - (c) The site shall not be within one thousand (1,000) feet of any other adult entertainment use.
  - (d) Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Planning Commission.
  - (e) The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.
  
- (3) AGRICULTURE BULK COLLECTION, STORAGE, DISTRIBUTION
  - (a) Each principal agri-business use shall have frontage upon and access to a thoroughfare having a primary or greater classification.
  - (b) For an agricultural bulk collection, storage and distribution system, the minimum lot area shall be ninety thousand (90,000) square feet (2 acres) and the minimum lot width shall be three hundred (300) feet. For a livestock sales yard, the minimum lot area shall be five (5) acres,

- with adequate off-street loading/unloading facilities for at least two (2) semi-trailers at any one time.
- (c) A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear property line.
  - (d) The total coverage of all main and accessory buildings shall not exceed thirty (30) percent of the lot on which they are located.
- (4) ALL OTHER PERMITTED USES IN THE C-1 AND C-2 BUSINESS DISTRICTS NOT SPECIFIED IN THIS ARTICLE
- (a) Not more than three commercial establishments, separated by common walls, or separated by a maximum distance of twenty (20) feet between each building, may retain one common dumpster for solid waste. Such dumpster is to be located within the rear yard of one of the establishments.
- (5) ANIMAL (VETERINARY) HOSPITALS/CLINICS
- (a) Outdoor kennels or similar "holding" areas shall be at least fifty (50) feet from any adjacent dwelling or any adjacent property used by the public and shall not be located in any required front, rear or side yard setback area. Animals must be housed within an enclosed building between the hours of 6 PM and 8 AM.
  - (b) All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local Health Department regulations.
  - (c) Facilities and operational procedures must meet necessary licensing requirements.
  - (d) All medical and surgical procedures must occur within a completely enclosed building.
- (6) APARTMENTS LOW-DENSITY. Low-density apartments are only permitted in the R-3 Multiple-Family Residential District, under the following provisions and conditions.
- (a) The allowable density (lot area per dwelling unit) of the zone shall be complied with.
  - (b) All apartment regulations and requirements of this section shall be complied with.
  - (c) At least eight dwelling units shall be constructed.
  - (d) All dwelling units shall be supplied with public sewer and water.
  - (e) No building shall exceed one hundred twenty (120) feet in width or depth and all buildings shall be of substantially similar appearance as other conforming uses in the neighborhood.



(7) AUTOMOBILE SERVICE STATIONS/VEHICLE REPAIR SHOP/QUICK OIL CHANGE

- (a) Minimum lot area shall be ten thousand (10,000) square feet for an automobile service station or repair garage.
- (b) Minimum lot width shall be not less than one hundred (100) feet.
- (c) An automobile service station building shall be located not less than fifty (50) feet from any right-of-way line, not less than twenty-five (25) feet from any side or rear lot line abutting residentially zoned property, and not less than seventy (70) feet from any property used as a school, hospital, library, theater, playground, fire station or place of public congregation.
- (d) Ingress and egress drives shall not be less than fifteen (15) feet in width.
- (e) No more than one curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
- (f) No drive or curb opening shall be located nearer than twenty (20) feet to any intersection nor ten (10) feet to any adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- (g) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- (h) Underground storage tanks shall be in compliance with all applicable state laws, regulations and requirements.
- (i) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- (j) When adjoining residentially zoned property, a six (6) foot high solid fence or chainlink fence with continuous perennial plantings of a minimum height of six (6) feet shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty (20) feet of any right-of-way line, subject to approval by the Zoning Administrator.
- (k) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding thirty (30) days.

- (l) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
  - (m) Only one free-standing sign per street frontage shall be permitted, not exceeding fifty (50) square feet in area, which shall display only the name of the user or occupant of the premises.
  - (n) On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.
  - (o) Quick oil change shops shall comply with the applicable Off-Street Waiting Area Requirements of Article 20.
  - (p) Where automobile service stations contain convenience retail foot outlets and/or fast food drive through facilities, one off-street parking space per food outlet employee and one parking space per one hundred (100) square feet of retail space [also see subsection 17.3(17)].
- (8) BANKS, SAVINGS AND LOANS, CREDIT UNIONS (DRIVE-THRU)
- (a) Banks, savings and loan, credit unions, and other financial institutions with drive-thru facilities shall have a minimum lot size of twenty thousand (20,000) square feet, with a minimum lot width of one hundred (100) feet abutting the street right-of-way.
  - (b) The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.
  - (c) A drive-thru facility shall be located on the site to accommodate the applicable requirements of Article 20.
  - (d) The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
  - (e) The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.
- (9) BED AND BREAKFAST
- (a) The St. Louis City Council shall have the authority for final approval or disapproval of all applications for a bed and breakfast operation. Bed and breakfast facilities are allowed in all residential zoning districts (as a home occupation, or special use) provided the following conditions are met:
    - 1. Any such use shall be reviewed by the planning commission as a nontransferable special use. The Planning Commission shall find that at least the following conditions are met.

- a. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
- b. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- c. No bed and breakfast sleeping rooms shall be located in a basement or attic.
- d. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay.
- e. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- f. Bed and breakfast occupants shall be limited to four (4) in one (1) room at any one (1) time.
- g. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- h. The operator of each facility shall keep a guest register showing the full name and address of all persons staying at the facility. The register shall be retained by the operator for a period of five (5) years and shall be made available for inspection by City officials at any time.
- i. A maximum of six (6) permanent sleep bed positions per each restroom will be permitted.
- j. Every bed and breakfast bedroom shall contain a functional smoke detector. A fire extinguisher rated five (5) pounds ABC shall be located on each floor. Each bed and breakfast bedroom shall contain a diagram showing all exists with an arrow indicating "YOU ARE HERE."
- k. Bed and breakfast facilities shall be licensed by the City. The licensing fees shall be set by the Council, which sum shall be paid annually. In addition, there shall be an inspection fee for every inspection after the initial inspection prior to licensure. The license will be renewed annually, subject to inspection and payment of fees.
- l. A four (4) square foot sign, affixed flat against the dwelling and not illuminated, will be permitted: for bed and breakfast establishments located along the M-46 (Washington Street) corridor, either one wall sign or one freestanding sign shall

be allowed. If a freestanding sign is used, it will be attached to a single post with a cross arm upon which the sign can be attached or hung. The post shall be firmly anchored and the post and sign shall not exceed a height of six (6) feet as measured from the finished grade. The sign shall have a face area not exceeding sixteen (16) square feet per side (for a wall sign, the total face area shall not exceed sixteen (16) square feet).

- m. Ground lighting may be allowed, providing no more than two (2) lights are used, each not exceeding 100 watts and positioned so that the surface of the source of light will reflect the light away from any adjacent property.
- n. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to City standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- o. Bed and breakfast facilities will comply with all rules, regulations and ordinances of all applicable State and County regulatory agencies.
- p. No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.
- q. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.
- r. Except for bed and breakfast facilities located on Washington Avenue (M-46) and Main Street south of Washington Avenue (Business US-27), no bed and breakfast facilities shall be located within three hundred (300) feet of any other bed and breakfast building, as measured along the centerline of the street upon which such bed and breakfast facilities front.
- s. Nothing contained herein shall apply to the establishment and operation of hotels, motels, boardinghouses or the like.
- t. The Treasurer shall have the authority to refuse to renew a license or to suspend or revoke a license for continued and repeated violations of the provisions of this ordinance. A decision to deny a license may be appealed to the Planning Commission by the applicant. Any license issued under the provisions of this ordinance may be revoked by the City Council for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto. In such investigation the compliance or non-compliance with the State law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

- u. After application is duly filed with the Clerk/Treasurer for a license under this division, and in making their recommendations to the City Council, the Planning Commission shall determine whether any further license shall be issued based upon the public convenience and necessity of the people in the City. In the determination by the Planning Commission of the number of bed and breakfast operations required to provide for such public convenience and necessity, the Planning Commission shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of the issuance of additional licenses for public service.

(10) CAMPGROUNDS/TRAVEL TRAILER PARKS

A campground/travel trailer park is a special land use only in the C-2 General Business District if it is in an approved resort or campground area. The campground must meet the following provisions and conditions.

- (a) The campground must provide a Health Department approved sewage disposal and water system.
- (b) There must be a minimum of fifteen (15) campsites/trailer pads.
- (c) Campgrounds, travel trailer parks and similar activities shall be located only in areas which contain soils that are not considered prime for agricultural production and which are otherwise suitable for recreational use.
- (d) All campgrounds publicly or privately owned and operated shall comply with Act 368 of the Public Acts of 1978.
- (e) Minimum lot size shall be five (5) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one public telephone.
- (f) Minimum distance between travel trailers/recreational vehicles shall be fifteen (15) feet.
- (g) Appropriate vegetation and screening around the perimeter of the site shall be provided.

(11) CHURCHES/SYNAGOGUES/MOSQUES

- (a) Minimum lot width shall be one hundred (100) feet.
- (b) Minimum lot area shall be 1.5 acres.
- (c) The main building or space used for church functions shall be separate from the living quarters of the person or persons that function as minister and/or caretaker of the facility.

(12) CLUBS AND LODGES (FRATERNAL)

- (a) In the C-2 General Business District, minimum lot size shall be one (1) acre.
- (b) The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
- (c) All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
- (d) When adjacent to a residential use, a masonry or brick wall, or fence six (6) feet in height shall be erected on the common lot line between the two properties.

(13) COMMERCIAL CLEANING PLANTS (as distinguished from dry cleaning service establishment)

- (a) Minimum lot size shall be 1.0 acre, the minimum side yard setback shall be twenty (20) feet.
- (b) Applicable performance standards identified in Section 3.30 shall be met.
- (c) All storage and disposal of chemicals used on-site in the process of commercial cleaning and laundering shall be in accordance with applicable local, state and federal regulations and requirements.
- (d) All storage, processing and cleaning activities shall occur within an enclosed building.
- (e) A fence or year-round landscape buffer of a minimum height of six (6) feet shall separate the cleaning establishment from adjacent residential properties.
- (f) Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

(14) COMMUNICATION TOWER

The following site development and special performance standards requirements, shall apply:

- (a) A minimum site of point seven five (.75) acre and one hundred twenty-five (125) feet of road frontage.
- (b) The use of guyed wires is strictly prohibited within residential districts.
- (c) The base of the tower and wire cable supports shall be fenced with a minimum five (5) foot high fence.
- (d) The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the City's Consultant Engineer that the structural integrity of the tower will withstand high winds and impacts, and the

likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Engineering review.

- (e) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- (f) Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- (g) All bufferyard requirements applicable to the Zoning District in which the tower is to be located shall be met.
- (h) All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
- (i) The plans of the tower construction, antenna mount and structure shall be certified by a registered structural engineer, and that the installation is in compliance with all applicable codes.
- (j) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- (k) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- (l) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- (m) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- (n) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- (o) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- (p) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- (q) Towers shall be located so there is room for vehicles conducting maintenance to maneuver on the property owned and or leased by the applicant.
- (r) The base of the tower shall occupy no more than five hundred (500) square feet.

- (s) Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
- (t) Height of the tower shall not exceed one hundred and seventy five (175) feet from grade within a residential district, two hundred (200) feet from grade within a Business district, and three hundred (300) feet from grade within a Industrial district.
- (u) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- (v) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (w) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes,
- (x) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- (y) Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standards or the Special Use approval will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- (z) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- (aa) All parking and drive areas must be paved as provided in Section 20.4 and Section 20.7.
- (bb) Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
- (cc) The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.

(15) CONVALESCENT HOMES

- (a) Minimum lot size shall be two (2) acres.
- (b) The lot location shall be such that at least fifty (50) percent of the property line abuts a paved major street. The ingress and egress for off-street parking areas for guests and patients shall be directly from said major street.



- (c) The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
- (d) The facility shall be designed to provide a minimum of one thousand five hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

(16) CHILD CARE CENTERS, DAY CARE CENTERS

- (a) Such uses shall be duly licensed by the State Independent Family Agency.
- (b) Buildings and lots so used shall conform to all state and local code requirements, except that such uses or structures shall not be permitted in buildings and lots which are nonconforming uses or structures as defined in this ordinance.
- (c) A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
- (d) All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.
- (e) The proposed use shall be served adequately by essential public facilities and services.
- (f) The proposed building shall not be out of harmony with the predominant type of building in the particular zone by reason of its size, character or location.
- (g) The proposed building shall be of a sustained desirability and stability so that the property contiguous to the development will not be unreasonably affected.
- (h) The proposed use shall conform to the building height, areas and yard requirements of the district in which it is located.
- (i) The proposed use shall not cause significant damage to the natural environment within the immediate neighborhood or the community as a whole.
- (j) One (1) off-street parking space shall be provided for each nonfamily employee of the child care/day care center in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
- (k) Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period, and activity shall be limited between the hours of 6:00 a.m. and 10:00 p.m.

(17) DRIVE-IN THEATERS

- (a) Minimum lot size shall be five (5) acres.

- (b) The lot location shall be such that at least ten (10) percent of the property line abuts a major street or state primary road and shall be at least five hundred (500) feet from any residential district. All ingress and egress to the lot shall be directly onto said primary road.
- (c) All points of entrance or exit shall be located no closer than sixty (60) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- (d) Space shall be provided, on-premises, for five waiting vehicles to stand at the entrance to the facility.
- (e) The theater screen shall not be visible to a state or county primary road, major street or any residential district.
- (f) Applicable off-street waiting areas shall be provided in accordance with Article 20.

(18) DRIVE-THRU (DRIVE-IN) RESTAURANTS/FAST FOOD ESTABLISHMENTS

- (a) The main and accessory buildings shall be set back a minimum of thirty (30) feet from any adjacent right-of-way line or residential property line.
- (b) A six (6) foot high solid fence or chainlink fence with continuous landscaping of a minimum height of six (6) feet shall be provided adjacent to any residential district.
- (c) Applicable off-street waiting areas shall be provided in accordance with Article 20.
- (d) Where a drive-thru restaurant is part of a combined automobile service station/fast food establishment or a combined gas service station/convenience store/fast food establishment, the more restrictive requirements of both this subsection and subsection 17.3(7).
- (e) A minimum of two (2) off-street parking spaces for employees and one (1) off-street parking space for each one hundred (100) square feet of retail space shall be provided for customers.

(19) EQUIPMENT RENTAL/SALES

- (a) Minimum lot size shall be one acre.
- (b) The area used for outdoor storage of equipment/materials shall be surrounded by a fence or wall of a minimum height of six (6) feet.
- (c) Required off-street parking areas shall be paved with concrete or asphalt.
- (d) Storage and loading/unloading areas shall be paved with asphalt or concrete and include appropriate storm water drainage facilities.
- (e) All main and accessory structures shall be located no closer than fifty (50) feet from a residential district.

- (f) Adequate vehicular turning radius in the interior of the site (to accommodate a pickup truck or car and trailer) shall be provided.

(20) GOLF COURSES, COUNTRY CLUBS

- (a) Minimum lot size shall be fifty (50) acres.
- (b) The main and accessory buildings shall be set back at least fifty (50) feet from all property lines.
- (c) Appropriate planting and screening shall be provided where the golf course abuts a residential lot.

(21) GOLF DRIVING RANGE

- (a) Minimum lot size shall be three (3) acres with a minimum lot depth of one thousand (1,000) feet.
- (b) Main and accessory buildings shall be set back at least fifty (50) feet from all adjacent property lines.
- (c) The perimeter of the driving range shall be enclosed with a chainlink fence of a minimum height of six (6) feet, if adjacent to developed residential.
- (d) All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(22) HOME OCCUPATIONS. Home occupations may only be permitted in all residential districts as a special land use under the following procedures and conditions.

- (a) The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted 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.
- (b) No more than one person other than members of the immediate family occupying the dwelling shall be employed.
- (c) Either one of the following: the basement, garage, or no more than fifty (50) percent of the gross floor area of one floor of a residence, shall be used for these purposes. Use of accessory buildings for these purposes is prohibited, except the garage.
- (d) There shall be no outside storage of any kind related to any home occupation.
- (e) The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time.

- (f) Mechanical or electric equipment employed by the home occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
- (g) Only one nameplate shall be allowed, in accordance with the sign regulations at one hundred forty-four (144) square inches. It may display the name of the home occupation, for example, John Doe, Realtor, and must be attached to the principal building.
- (h) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- (i) Residential – Ground Floor:
  - a. A single residential apartment may be permitted on the ground floor of a single story structure by special use permit in the C-1 Zoning District.
  - b. Such apartment shall be in the rear of a structure, which structure is presently occupied and used as permitted in the C-1 Zoning District.
  - c. Such apartment shall be occupied only by the owner, and the owner's immediate family, of the business which occupies the balance of the first floor of the structure.
  - d. Such apartment shall consist of no more than forty (40) percent of the entire ground floor area of the structure, but shall in no event be less than six hundred (600) usable square feet. The apartment shall contain separate rooms for living, sleeping, cooking (with complete kitchen facilities including stove, sink, refrigerator and storage facilities) and sanitary accommodations (at least one (1) bathroom with toilet, shower and/or bathtub with storage facilities).
  - e. The apartment shall have two (2) means of ingress and egress, one of which may be by virtue of the apartment's connection to the remainder of the ground floor space, provided that such remainder of the ground floor space has a means of ingress and egress.
  - f. There shall be a clearly defined separation between the apartment and the non-residential portion of the building.
  - g. The apartment must meet every requirement of the City of St. Louis building code; and the entire structure, including living quarters and commercial activities, must meet all federal, state, county and city rules, regulations and codes.
  - h. In addition to all off street parking required for any uses by Article 20 regarding off street parking, one additional off street parking space shall be provided upon the premises.

- i. The City Manager or his or her designee shall refer an applicant's plan to the building inspector, the health department, the fire chief, the police chief, and the zoning administrator, prior to submitting the applicant's plan to planning commission for its review. The planning commission may consider the comments of the building inspector, health department, fire chief, police chief, and zoning administrator.

(23) KENNELS (COMMERCIAL)

- (a) All kennels shall be operated in conformance with all county and state regulations, permits being valid no longer than one year.
- (b) For dog kennels, the minimum lot size shall be one-half acre for the first three dogs and an additional one-half acre for each five additional animals.
- (c) Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than thirty (30) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (d) The building(s) in which animals are housed shall be constructed so as to minimize noises emanating from within the building. Such construction should include poured concrete floors and poured concrete/block walls of a minimum thickness of twelve (12) inches or other appropriate materials that will produce a similar result.

(24) LABORATORIES

- (a) All operations shall be within an enclosed building.
- (b) Solid and liquid wastes shall be contained and disposed of according to applicable state and federal requirements.
- (c) All applicable federal, state and local health requirements shall be adhered to.
- (d) Applicable performance standards identified in Section 3.30 shall be met.

(25) LIVESTOCK SALES YARD

- (a) All livestock shall be kept in enclosed pens.
- (b) Livestock loading/unloading facilities shall be located to the rear or side of such enclosed pens.
- (c) Dust and odor mitigation practices shall be applied in a consistent and timely manner.
- (d) All livestock holding areas associated buildings and loading/unloading areas shall be located no closer than one hundred (100) feet from the property line of adjacent developed properties

and no closer than three hundred (300) feet from the property line of the nearest residentially developed parcel.

(26) LUMBER YARDS

- (a) Minimum lot size shall be two (2) acres.
- (b) The perimeter of the site used for storage, fabrication or assembly of materials shall be bounded by a chain link, wire or wood fence, concrete block or brick wall of a minimum height of five (5) feet.
- (c) All required off-street parking spaces shall be paved with concrete or asphalt.
- (d) Loading and unloading facilities shall be located at the rear or side of the main building or at other sites behind the main building.

(27) MANUFACTURING, PROCESSING AND ASSEMBLY PLANTS

- (a) Minimum lot size shall be one (1) acre.
- (b) All manufacturing, processing, assembly shall take place within an enclosed structure.
- (c) There shall be a distance of at least one hundred (100) feet between the perimeter of the property on which the activity is located and the nearest residential dwelling.
- (d) Applicable performance standards identified in Section 3.30 must be met.
- (e) Outdoor lighting shall be provided for parking and security and shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
- (f) All parking, loading and unloading areas shall be paved with concrete or asphalt and designed and constructed with appropriate storm water runoff facilities.
- (g) Outdoor storage shall be allowed only at the rear of the main building(s); the storage area shall be surrounded by a chainlink or solid wood fence, or block or brick wall of a minimum height of eight (8) feet and a maximum height of ten (10) feet.

(28) MORTUARIES/FUNERAL HOMES

- (a) Minimum lot area shall be 1.0 acre.
- (b) The space in the main building used for mortuary functions shall be separate from the living quarters of the person or persons owning, managing, or maintaining the mortuary.
- (c) Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

- (d) Adequate off-street parking shall be provided in accordance with Article 20.

(29) MOTEL OR MOTOR COURT

- (a) Each unit of commercial occupancy shall contain a minimum of two hundred (200) square feet of gross floor area.
- (b) When adjacent to a residential district, a masonry wall, six (6) feet in height, shall be erected on the common property line.
- (c) Outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(30) NURSERIES FOR PLANTS AND FLOWERS (GREENHOUSE)

- (a) Minimum lot size shall be 2.5 acres.
- (b) Storage or material display areas shall meet all the yard setback requirements applicable to any building in the district.
- (c) The storage of soil, fertilizer or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.

(31) OPEN-AIR BUSINESS

- (a) Minimum lot area shall be ten thousand (10,000) square feet.
- (b) Minimum lot width shall be one hundred (100) feet.
- (c) Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- (d) Storage or material display areas shall meet all the yard setback requirements applicable to any buildings in this district.
- (e) In the case of car or recreational vehicle sales lots:
  - 1. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
  - 2. Lighted parking areas shall not create a nuisance for nearby properties including, but not limited to: agricultural machinery sales and service, new and used car sales, lawn and garden sales and service.
- (f) Landscaping provisions of Article 22 shall be met.

- (g) The off-street parking requirements of Article 20 shall be met.

(32) OUTDOOR AMUSEMENT FACILITIES

- (a) Minimum lot size shall be one acre.
- (b) A front yard setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
- (c) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- (d) All lighting shall be shielded from adjacent residential districts.
  - 1. A four foot, six inch (4' 6") obscuring wall or fence must be provided around the perimeter of the site.

(33) PARKS, RECREATIONAL FACILITIES

- (a) The minimum area for a park shall be one-half acre.
- (b) A natural vegetation strip at least ten (10) feet wide shall be maintained between the park area and all other adjacent land uses.
- (c) Any outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(34) PUBLIC UTILITY SERVICE BUILDINGS/STATIONS (ESSENTIAL)

Buildings and facilities associated with essential services, as defined in Article 2, shall be permitted as authorized by law and other ordinances in any use district. The construction, erection, alteration and maintenance of essential public utilities service buildings/stations shall be exempt from the application of this ordinance. Fees will be charged for substations, regulator buildings and auxiliary buildings, but not for those elements directly associated with distribution or transmission systems.

(35) RADIO AND TELEVISION TOWERS

- (a) The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half (1½) times the height of each tower above the ground.
- (b) Unless specifically waived by the Planning Commission, an open weave wire fence eight (8) feet in height shall be constructed on the boundary property line.



(36) SALVAGE YARDS/RESOURCE RECOVERY FACILITIES

Salvage yards and resource recovery facilities may be permitted as a special land use only in the I-1 General Industrial District providing that the following requirements are complied with:

- (a) Plans and specifications shall be submitted to the Planning Commission and shall include the following:
  - 1. Specific location of the facility shown on a vicinity map
  - 2. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
  - 3. Legal description and site boundaries.
  - 4. Means of limiting access including fencing, gates, natural barriers, or other methods.
  - 5. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the city's waste water treatment facility.
  - 6. The location of all structures and equipment.
  - 7. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
  - 8. The location of existing proposed utilities available to the site.
  - 9. The method of final reduction, such as compacting, grinding, shredding, compression, or tampering equipment.
  - 10. Daily clean-up procedures.
  - 11. Other details necessary as required by the Planning Commission.
- (b) A facility shall be located not less than five hundred (500) feet from the nearest residential zone and must be screened by a fence of not less than eight (8) feet in height and not less than ninety (90) percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
- (c) The site must be located on major arterial roads and not on residential-or-collector type roads. Roadways, parking areas and storage areas on the property shall be concrete and kept free of potholes and cracks. These areas shall be watered or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

- (d) Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
- (e) Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
- (f) In addition to (d) and (e) above, the applicable performance standards in Section 3.30 shall be met.
- (g) The salvage yard site shall not be less than five (5) acres in size.
- (h) Open burning shall not be carried on in a salvage area facility.
- (i) The salvage yard area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
- (j) Necessary operations of the salvage yard shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
- (k) Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances
- (l) All tires shall be stored inside an enclosed structure(s).
- (m) All processing must be done within an enclosed buildings.
- (n) Uniform fencing shall be provided around the perimeter of the site. Such fencing or wall shall be opaque and have a minimum height of eight (8) feet. Fencing shall be of sound construction, painted or otherwise furnished neatly and inconspicuously. Such fencing shall be of permanent finish or construction.
- (o) All access roads on the site shall be concrete.
- (p) Storm water drainage shall be required to detain all on site runoff coming into contact with a concrete surface. Such storm water must be adequately treated on-site prior to discharge off-site. Such determination shall be made by the City of St. Louis or an official designated by the City of St. Louis.
- (q) All salvage yards shall conform to the requirements of Article 22.
- (r) All outdoor storage areas shall be enclosed and set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of material shall meet the requirements of Article 22.

- (s) Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
- (t) The outdoor storage of trash or rubbish shall be screened in accordance with this zoning ordinance.
- (u) All activities shall be confined within the enclosed area. There shall be no stacking of material above the height of the fence, berm or wall, except the movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- (v) The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.

(37) SCHOOLS, CIVIC BUILDINGS, POST OFFICES, FIRE STATIONS AND OTHER SIMILAR PUBLIC AND QUASI-PUBLIC AND PRIVATE STRUCTURES AND FACILITIES

- (a) Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
- (b) The minimum setbacks for main and accessory school structures shall be fifty (50) feet.
- (c) The minimum distance between main and accessory school structures and residential property or residential districts shall be one hundred (100) feet.
- (d) Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
- (e) Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.

(38) SELF (MINI) STORAGE FACILITIES

- (a) Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100) feet.
- (b) A chain-link fence of a minimum height of eight (8) feet shall be located on the perimeter of the site. An entrance gate shall be provided with a minimum access width of twelve (12) feet, with either electronic or manual control.
- (c) Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15) feet, as measured from building front to building front.
- (d) All items shall be stored inside an enclosed facility.

- (e) Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
- (f) Aisle ways and driveways shall be paved with asphalt and contain adequate storm water drainage.
- (g) A residence for the caretaker, owner, or manager shall be required to be located on the premises.

(39) SHOPS FOR BUILDING CONTRACTORS

- (a) Minimum lot size shall be thirty thousand (30,000) square feet.
- (b) The applicable performance standards of Section 3.30 shall be met.
- (c) Areas used for storage, milling and/or fabrication shall be surrounded by a fence or wall of a minimum height of six (6) feet and shall be located at the rear of the main building.
- (d) Vehicles and equipment used in construction shall be parked or stored in the rear, or on the side, of the main building.
- (e) The minimum distance between the perimeter of the lot on which construction or fabrication activity occurs as a function of the business shall be no closer than one hundred (100) feet from a residential dwelling.

(40) STORAGE OF WASTE DISPOSAL VEHICLES AND RESOURCE RECOVERY VEHICLES

- (a) Storage of waste disposal vehicles and resource recovery facilities may be permitted by Special Use in the I-1 General Industrial District, but with no outside storage of waste hauling vehicles. All such vehicles must be regularly washed and maintained.

(41) SWEETENING PLANT

Sweetening plants are subject to the following specific standards in addition to the general standards listed in Article 3 of this Ordinance:

- (a) A sweetening plant shall be isolated from existing residential, commercial, and manufacturing establishments; wetlands; and surface water; by a minimum of one thousand three hundred (1,300) feet.
- (b) Placement of a sweetening plant shall be so that no subdivisions, apartment buildings, residential developments, mobile home parks, or other land uses that result in a dense population; and no residential uses whose occupants are relatively immobile and which are difficult to quickly and efficiently evacuate, such as hospitals, nursing homes, residential care facilities; are within two thousand six hundred (2,600) feet.

- (c) The maximum density of sweetening plants shall not be more than one (1) per square mile section of land. A sweetening plant shall not be within four (4) miles of another sweetening plant and shall be designed to service all oil and gas wells anticipated that are expected to need such service within a two (2) mile radius. The Planning Commission may act to waive the density standard given here if upon documentation by the application:
1. an existing sweetening plant located within the same section of land or within two miles is being operated at capacity and cannot be feasibly expanded; and
  2. cannot be expanded or modified to accept oil or gas from the applicant's wells; and
  3. the owners of the existing sweetening plant refuse, after reasonable offers and negotiations of terms have been made, to share a sweetening plant to service the applicant's wells.
- (d) The applicant for a sweetening plant shall hold an interest ownership in the parcel of land, or life-time lease for use of the parcel of land, on which the sweetening plant is to be situated.
- (e) The sweetening plant shall be screened from view from nearby roads, residents, and commercial establishments by vegetation, berming or both. These should be placed near the property boundary of the parcel of land the sweetening plant is located on so the perimeter road and equipment are within the vegetation/berm and adequate air circulation through the sweetening plant site is provided for. Lights installed to illuminate the site shall be shaded and/or screened by the vegetation/berm and/or by apparatus on the light fixture so direct glare of the light is not visible beyond the parcel boundary. The sweetening plant shall have a minimum fifty (50) foot setback from the subject property boundaries. The sweetening plant shall be made secure so pedestrians and unauthorized persons cannot gain access to the site.
- (f) Emissions and/or effluent from the sweetening plant shall meet or exceed all applicable state and federal air pollution, surface water, and groundwater quality standards. A sweetening plant shall be fitted with a warning siren audible for one (1) mile in all directions on a calm (windless) day which is triggered to sound when concentrations of hydrogen sulfide exceeds two hundred (200) parts per million within the plant site. The siren shall be periodically tested on a regular basis during the life of the plant. Sulfur, once separated from natural gas, shall not be incinerated. Technology which chemically changes the sulfur to its elemental form (or some form for resale), or more advanced technology approved by the Planning Commission shall be used. All solid waste from the site shall be transported by a Michigan-licensed hauler to a licensed Type I or Type II landfill. No brine pits, or other earthen pits shall be allowed as part of the plant, except for in-ground pits utilized for backup emergency purposes. Steel tanks shall be used instead.
- (g) Odor from the sweetening plant shall not be detectable by normal human senses under normal operational circumstances at a distance of one thousand three hundred (1,300) feet from a sweetening plant.

- (h) Noise shall not be over ninety-four (94) decibels at a distance of one thousand three hundred (1,300) feet from a sweetening plant.
- (i) A Pollution Incident Prevention Plan must be filed with the Planning Commission as part of the special use permit application and be approved by the following:
  - 1. the Fire Chief
  - 2. the Gratiot County Emergency Services Coordinator
  - 3. the Michigan State Police Fire Marshal
  - 4. the DNR Geological Survey Division
  - 5. the DNR Air Quality Division
  - 6. the DNR Ground Water Quality Division

In as much as it deals with fire, evacuation of the community, communications and warnings of incidents, and a mechanism whereby the owner/operator works with the Fire Department and the Emergency Services Coordinator for periodic updating of the plan. Costs of an evacuation, fire, etc. shall be the responsibility of the owner/operator of the establishment.

- (j) The application for a special use permit for the proposed sweetening plant shall include letters showing one of the following:
  - 1. approval,
  - 2. tentative approval,
  - 3. or letters of understanding for concurrent approval, by the Planning Commission and the Michigan Department of Natural Resources, Soil Erosion and Sedimentation Control Agency, and any other applicable agencies where approval is required. Receiving Department of Natural Resources approval, or other agency approval, in no way obligates the Planning Commission to grant approval unless all standards in this subsection and all applicable general standards in Article 3 of this Ordinance are found by the Planning Commission to be complied with. Site plans, design plans and other documents submitted as part of the special use permit application shall show any changes or modifications required for any applicable regulatory agencies' approvals. Site plan or design plan changes required after the Planning Commission issues a special use permit shall also be changed in accordance with procedures established in Section 16.8 for minor adjustments or amendments to special use permits and/or site plans.
- (k) Upon review of the special use permit application, the Planning Commission may require an environmental assessment, environmental impact statement and/or fiscal impact study

to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of this ordinance.

- (l) Upon review of the special use permit application, the Planning Commission may require upgrading of roads from the sweetening plant to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Planning Commission and applicant, upgrading of roads to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant and the City of St. Louis.
- (m) The application for a sweetening plant shall include information as to the:
  - 1. maximum expected life of the operation of the establishment, if such an estimate is possible; and
  - 2. a reclamation plan that includes disassembling the sweetening plant and returning the condition of the land to its original state, or other condition acceptable for future use, when the establishment's useful life has ended; and
  - 3. costs for the reclamation in the year it is anticipated the reclamation would take place.
- (n) Prior to issuing a sweetening plant special use permit, a surety bond shall be presented to the City Clerk for any required improvements, including but not limited to roads, buffers, screening, shading of lights, evacuation costs and reclamation.

#### (42) SWIMMING POOLS

- (a) For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twenty-four (24) feet or an area exceeding two hundred (200) square feet, a permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the City or the County Health Department shall also be submitted. Any swimming pool of a depth of twenty-four (24) inches or more shall be considered an accessory structure and be subject to the requirements of Sections 3.10 and 3.11.
- (b) No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- (c) Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built

within the required front yard of a required corner lot side yard. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than five (5) feet between pool wall and any building on the lot.

- (d) All swimming pools shall be completely enclosed by a chainlink fence or a fence of comparable safety not less than six (6) feet nor more than eight (8) feet in height, and set at a distance of not less than six (6) feet from the outside perimeter of the pool wall, except for swimming pools above grade (i.e., portable) which have a side wall with a smooth surface of not less than four (4) feet in height and with all means of access being secured, raised and/or locked to prevent unauthorized use. Except, that if a building is located on a lot not leaving any means of public access, a fence shall not be required on any such side. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use, provided, that if the entire premises is enclosed by fence or wall, the fence requirement may be waived by zoning officer, after due inspection and approval.
- (e) All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

(43) TIRE SHOPS

- (a) All processing, fabrication, retreading and similar activity shall occur within an enclosed building.
- (b) The applicable performance standards identified in Section 3.30 shall be met.
- (c) New, used and retread tires shall be stored in an enclosed building.
- (d) Off-street parking for customers shall be paved with concrete or asphalt.

(44) TRAILER SALES YARDS

- (a) Trailer sales yards shall adhere to the requirements of Section 17.3(31) Open Air Business.

(45) VEHICLE SALES AREA

- (a) Vehicle sales areas may only be permitted in the C-2 General Business District. No vehicle sales area may be accessory to a service station. The plot plan for proposed vehicle sales area shall show the following requirements:
  - 1. The provisions of divisions (31)(a) through (31)(g) above must be complied with, provided that no vehicles or equipment shall be located closer than ten feet to any side or rear property line nor closer than twenty-five (25) feet to any front street right-of-way.



- (b) All areas used for the parking or storage of vehicles shall be paved and constructed in accordance with Article 20.
- (c) Outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(46) VEHICLE WASH ESTABLISHMENTS

- (a) Minimum lot size shall be twelve thousand (12,000) square feet, minimum lot width shall be one hundred (100) feet.
- (b) All washing activities must be carried on within a building.
- (c) The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking space for vehicles to be serviced by the subject facility.
- (d) A six (6) foot high solid wood fence or chainlink fence with perennial landscaping materials of a minimum height of six (6) feet shall be required where the lot line abuts a residential dwelling.
- (e) No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or fraction thereof) along any adjacent street.
- (f) Ingress and egress drives shall not be less than fifteen (15) feet wide.
- (g) No drive or curb opening shall be located nearer than thirty (30) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrians or vehicular traffic.
- (h) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- (i) Adequate "holding" space shall be provided as required in Article 20.

(47) WAREHOUSING OF WHOLESALE AND RETAIL MERCHANDISE

- (a) Adequate ingress and egress to the site shall be provided.
- (b) Outdoor lighting shall be provided for parking and security and shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

- (c) Where a parcel on which a warehouse is located is adjacent to a residential use, a solid wall or fence six (6) feet in height shall be located on the common property line.
- (d) Outdoor storage areas shall be surrounded by a chainlink fence, solid fence, or wall of a minimum height of eight (8) feet and a maximum height of ten (10) feet.
- (e) All parking, loading and unloading areas shall be paved with concrete or asphalt and designed and constructed with appropriate storm water runoff facilities.

# Article 18

## Planned Residential Development

### Sec. 18.1. Intent and Purpose

It is the purpose of this Section to encourage more imaginative and livable housing environments within the City of St. Louis through a planned reduction, or averaging, of the individual lot area requirements for the R-1, R-2 and R-3 Districts, PROVIDING the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a Special Use Permit may be issued for the construction and occupancy of a Planned Residential Development PROVIDING the standards, procedure, and requirements set forth in this Article can be complied with.

### Sec. 18.2. Objectives

The following objectives shall be considered in reviewing any application for a Special Use Permit for Planned Residential Development:

- (1) To provide a more desirable living environment by preserving the natural amenities of the site.
- (2) To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- (3) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- (4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
- (5) To encourage variety in the physical development pattern of the City by providing a mixture of housing types

### Sec. 18.3. Qualifying Conditions

Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as Planned Residential Development:

- (1) The Planned Residential Development site shall be not less than five (5) acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.

- (2) The Planned Residential Development shall meet or exceed all of the standards and requirements of the City of St. Louis Subdivision Control Ordinance or the requirements of Article 19 - Site Condominium Development.
- (3) The Planned Residential Development site shall be located within zoned residential districts.
- (4) The proposed population density of the Planned Residential Development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.
- (5) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the City of St. Louis or be set aside for the common use of home or lot owners within the Planned Residential Development under legal procedures which shall also give the City of St. Louis a covenant or interest therein, so that there are assurances that the required open space shall remain open.
- (6) The proposed Planned Residential Development shall meet all of the general standards outlined in this Article, including the Design Standards of Section 18.12.

#### **Sec. 18.4. Permitted Uses**

The following uses of land and structures may be permitted within Planned Residential Developments:

- (1) All uses permitted by right, or by Special Use Permit in the R-1, R-2 and R-3 Districts, subject to all applicable specified restrictions.
- (2) Two-family dwellings.
- (3) Group housing, row houses, garden apartments, town houses, or other similar housing types which can be defined as a single family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than twelve (12) dwelling units in any building or contiguous group of buildings.
- (4) Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
  - (a) Private recreation facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned residential development.
  - (b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
  - (c) Customary accessory uses as permitted in residential districts.

- (d) Group laundry facilities so long as they have been designed and located in such a manner as to serve only inhabitants of the site of the planned residential districts. No advertising of any type shall be permitted with such facilities.
- (e) Off-street parking at the rate of two spaces per dwelling unit.
- (f) Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for proper maintenance of the development.

#### **Sec. 18.5. Application and Review Procedures**

Planned Residential Developments shall follow the application and review procedures outlined in this Section. The review procedures are intended to explicitly state the requirements at each stage of the review process. The applicant shall have the option to submit an application for approval of the Planned Residential Development at the outline stage and shall be required to submit the application at the preliminary and final development plan stages, providing the requirements at each stage are fulfilled according to this ordinance.

- (1) Pre-Application Conference: Before submitting an application for a Planned Residential Development, an applicant at his option may confer with the Zoning Administrator to obtain procedural information.
- (2) Outline Development Plan: An applicant may, when making application for the approval of a Planned Residential Development, submit an outline development plan as specified below. While this submittal is not mandatory, it is encouraged, to facilitate early communication and concurrence between the City and the developer.
  - (a) An outline development plan should include both maps and a written statement and must show enough of the area surrounding the proposed Planned Residential Development to demonstrate the relationship of the Planned Residential Development to adjoining uses, both existing and proposed.
  - (b) The maps which are part of the outline development plan may be in general schematic form, at a scale of one hundred (100) feet to one (1) inch and shall contain the following information:
    - 1. The existing topographic character of the land with contours shown at intervals not greater than five (5) foot intervals, except that, where the land slope is less than five (5) percent, the contour interval shall be two (2) feet;
    - 2. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
    - 3. The character, type, number, and density of dwelling units proposed;
    - 4. The approximate location of major arterial and collector streets;

5. The location and tabulation of all public or common open space, and;
  6. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.
- (c) The written statement to accompany the outline development plan shall contain the following information:
1. An explanation of the character of the Planned Residential Development and the manner in which it has been planned to take advantage of the Planned Residential Development regulations;
  2. A statement and legal description of the present ownership of all of the land included within the Planned Residential Development, and
  3. A general indication of the expected schedule and/or phase of development.
  4. A written environmental analysis statement which technically discusses impact or impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.

(3) Approval of Outline Development Plan:

- (a) Within a maximum of sixty (60) days after the receiving of the outline development plan, the Planning Commission shall forward the plan to the City Council with a written report recommending that the outline plan be approved or disapproved or approved with modifications, and giving the reasons for these recommendations.
- (b) The City Council shall give notice of a public hearing to be held on the plan before the City Council, the hearing to be held not more than sixty (60) days after the receipt of the Planning Commission's report. After the hearing, the City Council shall approve, disapprove or approve with modifications the outline development plan subject to the submission of a final development plan as required by this article.
- (c) Although the outline development plan is approved or approved subject to modifications, no building permits may be issued on land within the Planned Residential Development until the final development plans for the total project area have been approved by the Planning Commission under the procedures required by this article.
- (d) Concurrent Application: An application for a Planned Residential Development may be processed, noticed and heard by the Planning Commission concurrently with an application for a proposed subdivision or resubdivisions of the same property pursuant to the Subdivision Control Ordinance of the City of St. Louis and the Michigan Land Division Act.

(4) Preliminary Development Plan:

- (a) An applicant seeking approval of the Planned Residential Development shall submit a preliminary development plan at either of the following times:
1. If no outline development plan has been submitted and approved, at the time of application; or
  2. If an outline development plan has been approved, within six (6) months following its approval. However, the Planning Commission may, upon written request of the applicant, extend for three (3) months the period for the filing of the preliminary development plan.
- (b) The preliminary development plan shall include all the following required information:
1. A map showing the entire street system of arterial, collectors and local streets and their proposed construction standards and if they are publicly dedicated or privately owned and its related walkways.
  2. A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, electric, gas, cable and telephone lines.
  3. Statistical calculations of areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
  4. A lot plan and statistical tabulation for the entire Planned Residential Development of all the land uses proposed and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.
  5. A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
  6. Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
  7. A plan showing the general location of trees and plantings in accordance with the landscape standards of Article 22.
  8. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each anticipated stage of development will begin, (3) the approximate dates when the development of each

of the stages in the development will be completed, and (4) the area and location of common open space that will be provided at each stage.

9. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.
10. Any additional statements, plans and diagrams may be required insofar as the Planning Commission finds that the planned development creates special problems of traffic, parking, landscaping, utilities, including sewer and water facilities, or any other factors; and
11. If no outline development plan has been filed, the preliminary plan must contain the written statement required by Section 18.5(2)(b)(3.) and must include enough of the area surrounding the proposed Planned Residential Development to show the relationship of the Planned Residential Development to adjacent uses, both existing and proposed.

(5) Approval of Preliminary Development Plan: The Planning Commission shall review the preliminary development plan to determine if it is in substantial compliance with the submitted and approved outline development plan and to determine if it complies with all other standards required under this Ordinance for Site Plan Review and Special Land Use.

- (a) If no outline development plan has been submitted and approved, the preliminary development plan shall be considered for approval under the procedures provided within this Ordinance for Site Plan Review and Special Land Use.
- (b) If an outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Planning Commission. The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard to each of the following:
  1. Any person who is on record as having appeared at the hearing on the outline development plan; and
  2. Any other person who has indicated to the Planning Commission in writing that he/she desires to be notified.
- (c) An additional public hearing may be called on the Planned Residential Development at this time, if the Planning Commission considers that the preliminary development plan is not in substantial compliance with the submitted and approved outline development plan. The preliminary development plan shall be deemed in substantial compliance with the approved outline plan, provided any modification by the preliminary application of the Planned Residential Development does not involve a change of one or more of the following:
  1. Violate any provision of this Article;
  2. Vary the lot area requirement by more than ten (10) percent;



3. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space; and
4. Increase the total ground area covered by buildings by more than five (5) percent.

(6) Approval of Final Development Plan:

- (a) Within a maximum of six (6) months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final detailed form the information required under this Ordinance for Site Plan Review and Special Land Use. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing of the final development plan.
- (b) The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard on the final development plan to:
  1. Any person who is on record as having appeared at the hearing on the preliminary development plan or at the hearing on the outline development plan, and
  2. Any other person who has indicated to the Planning Commission in writing that they desire to be notified.
- (c) An additional public hearing may be called on the Planned Residential Development at this time, if the Planning Commission considers that the final development plan is not in substantial compliance with the submitted and approved preliminary development plan. The final development plan shall be deemed in substantial compliance with the approved preliminary plan, provided any modification by the applicant of the Planned Residential Development does not involve a change of one or more of the following:
  1. Violate any provision of this Article;
  2. Vary the lot area requirement by more than ten (10) percent;
  3. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space;
  4. Increase the total ground area covered by buildings by more than five (5) percent.
- (d) The Planning Commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of the City shall record the final development plan in the manner provided for recording plats or subdivisions.
- (e) The Planning Commission shall delay final approval for a specified period of time until the applicant has taken title to, or executed a binding sales contract for, all the property so that

the acquisition of title to the land can then be coordinated with the approval of project stages.

- (f) Prior to the granting of any Planned Residential Development, the Planning Commission may recommend, and the City Council may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Planned Residential Development as the City Council deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this ordinance. The Planning Commission may recommend that the City Council require a performance bond be furnished and filed with the City Clerk for private improvements. An escrow agreement and account approved by the City Attorney as to form and content and by the Planning Commission, shall be required in the amount of one hundred and twenty-five (125) percent of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Project Engineer and the City of St. Louis acting through the City Manager. The escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.

#### **Sec. 18.6. Control of Planned Residential Development Following Final Approval**

- (1) The City Council shall issue a certificate certifying the approval of the Planned Residential Development, and the clerk of the City Council shall note the issuance of the certificate on the recorded final development plan.
- (2) After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Residential Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Ordinance.
- (3) After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the Planning Commission under the procedures provided below:
  - (a) Minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cube content of any building or structure by more than ten (10) percent;
  - (b) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
  - (c) Changes in the use of common open space may be authorized by an amendment to the final development plan.
- (4) No changes in the final development plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and

improvements within the area of the Planned Residential Development, and all rights to enforce these covenants against any changes permitted by this Ordinance are expressly reserved.

**Sec. 18.7. Lot Size Variation Procedure**

The lot area for a Planned Residential Development within the R-1, R-2 and R-3 residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures:

- (1) Site Acreage Computation: The gross acreage proposed for a Planned Residential Development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed Planned Residential Development is located. In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.

- (2) Maximum Number of Lots and Dwelling Units: After the total gross area is determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a Planned Residential Development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the Planned Residential Development is located.

- (a) The fixed percentage for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty (20) percent. This percentage shall apply regardless of the amount of land actually required for street right-of-way.
- (b) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

- (3) Permissive Minimum Lot Area: Notwithstanding other procedures set forth in the Section, lot areas within Planned Residential Developments shall not be varied or reduced on a per unit basis below the following minimum standards:

- (a) One Family Detached Dwelling Units: Ten thousand (10,000) square feet within the R-1 District, and six thousand (6,000) square feet within the R-2 and R-3 Districts.
- (b) Two-Family Dwellings: Four thousand (4,000) square feet per unit within the R-2 and R-3 Districts.

- (c) Townhouse, Row House, or Other Similar Dwelling Types: Three thousand five hundred (3,500) square feet of lot area for each dwelling unit in the R-3 District.
- (4) Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
  - (a) Front Yard: Twenty (20) feet for all dwellings PROVIDED that front yard requirements may be varied under consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.
  - (b) Side Yard: Eight (8) feet on each side for all one and two-family dwellings; none for town houses or row houses, PROVIDED that there shall be minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.
  - (c) Rear Yard: Twenty (20) feet for all dwellings, PROVIDED that rear yard requirements may be varied after consideration of common open space lands or parks or water-front areas which abut the rear yard area.
- (5) Maximum Permissive Building Height: Two and a half (2 ½) stories, but not exceeding thirty-five (35) feet. Accessory building shall not exceed a height of fifteen (15) feet.

#### **Sec. 18.8. Open Space Requirements**

For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to the City of St. Louis as park land for the use of the general public. The Planning Commission shall utilize one of the following options most appropriate as part of its approval of a Special Use Permit for a Planned Residential Development:

- (1) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that an open space easement for said land shall be conveyed to the City of St. Louis to assure that open space land shall remain open.
- (2) That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of park or recreation land conforms in intent to the Comprehensive Development Plan of the City of St. Louis and PROVIDED further that the access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.

- (3) It is the intent of this Section that in cases where option (2) above is determined to be in the best interest of the community, that the owners or developers of the Planned Residential Development shall not be compelled or required to improve the natural condition of the open space land.

**Sec. 18.9. Planned Residential Development in More than One Zoning District**

Where a Planned Residential Development is to be located in more than one zoning district, the lot sizes and the number of allowable dwelling units must be separately calculated and separately distributed in each individual zone in the Planned Residential Development.

**Sec. 18.10. Perimeter Setback Requirements**

In all Planned Residential Developments that abut property that permits developments of less intensity than permitted by the Planned Residential Development, a peripheral transition area shall be incorporated in the Planned Residential Development that provides development similar in density and character as that existing or permitted on the abutting land. For the purpose of the Section, the Planning Commission and City Council shall have the authority to determine the extent and development of the transition area.

- (1) If the subdivision or resubdivision of an approved Planned Residential Development will create a new plat line, the applicant shall make application to the Planning Commission for the approval of the subdivision or resubdivision plat. The Planning Commission and City Council shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided Planned Residential Development meets the provisions of this ordinance, governing density, common and usable open space, and dimensional requirements and if it is in compliance with requirements contained within the Michigan Land Division Act.

**Sec. 18.11. Subdivision and Resale**

- (1) All lots of a subdivided or resubdivided Planned Residential Development are to be controlled by the final development plan rather than by the provisions of the Zoning Ordinance that otherwise would be applicable. The provisions of Sections 18.5 (6) and 18.6 covering changes in the final development plan will apply.

**Sec. 18.12. Development Standards**

The following standards are intended to supplement the requirements of the City of St. Louis Subdivision Control Ordinance. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence.

(1) **Streets**

- (a) The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.

- (b) Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the Council may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (c) All road construction shall be completed at least to the applicable road specifications and shall comply with such additional specifications as are set forth in these regulations.
- (d) If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of cul-de-sacs within the subdivision.
- (e) No street names shall be used which will duplicate or be confused with the names of existing streets.
- (f) Local streets shall have a 66' right-of-way.  
  
Collector streets shall have an 80' right-of-way.  
  
Major streets shall have a 100' right-of-way.  
  
The Council may determine the necessity for declaring some streets in the Plat to be collector or major streets.
- (g) Permanent cul-de-sac streets shall not be longer than eight hundred (800) feet in length and shall be provided at the closed end with a paved circular turnaround area having an outside diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet in residential districts. The Council may require larger rights-of-ways in industrial or commercial districts, depending upon anticipated uses. Temporary dead end streets shall be provided at the closed end with a turnaround constructed to the full width of the right-of-way and in accordance with applicable specifications.
- (h) Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided.
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- (j). Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (k) Half streets, except where it is essential to the reasonable development of the subdivision, are prohibited.

(2) **Blocks**

- (a) The maximum lengths of blocks shall be fifteen hundred (1,500) feet measured between the center lines of intersections, except as follows:
  - 1. In subdivisions where the width of lot at the building line is two hundred (200) feet or more, the block length may be up to two thousand (2,000) feet.
  - 2. Under extreme topographical conditions, the Council may approve blocks exceeding the fifteen hundred (1,500) foot maximum length, but in no case shall the length exceed two thousand (2,000) feet.
- (b) Where blocks exceed nine hundred (900) feet in length, an easement for a sidewalk or pedestrian way of at least eight (8) feet in width, and paved not less than five (5) feet in width, may be required, extending entirely through the block, when necessary to obtain satisfactory pedestrian circulation, as determined by the governing body.

(3) **Easements**

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where considered necessary by the Council, and shall have a minimum total width of twelve (12) feet.
- (b) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with the easement.

(4) **Lots**

- (a) The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions shall conform to the requirements of this Zoning Ordinance, including lot size variations as permitted in Section 18.7. In addition,
  - 1. Residential lots where not served by a public water system but served by public sanitary sewer service, shall not be less than ninety (90) feet wide at the building line, nor less than twelve thousand (12,000) square feet in area.
  - 2. Residential lots served by neither public water nor a public sewer system shall not be less than one hundred (100) feet wide nor less than fifteen thousand (15,000) square feet in area.

3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
  4. Where a “cluster” residential development is proposed, minimum lot widths and minimum lot sizes may be reduced by up to twenty (20) percent, provided the amount of land representing the difference between the required lot sizes and the reduced lot sizes is allocated to common open space or parkland.
- (c) Corner lots for residential use shall have sufficient width to permit appropriate building setback from, and orientation to, both streets.
  - (d) The subdividing of the land shall be such as to provide, by means of a public street, each lot
  - (e) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement shall be provided according to the requirements of Article 22.
  - (f) Side lot lines shall be substantially at right angles or radial to street lines, except where conditions of topography or more efficient layout warrants otherwise.
  - (g) If, by necessity, a lot is irregular in shape, the lot shall have frontage equal to not less than one-half ( $\frac{1}{2}$ ) of the minimum required lot width at the building line on an existing or an approved dedicated public road.
  - (h) A plat having riverfront or streamfront lots should include a statement that the lot lines extend to the water's edge regardless of the fluctuation in the water level.

**(5) Utility and Street Improvements**

- (a) The proprietor shall provide the following public improvements in connection with the subdivision. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the City.
  1. Roads, including such related improvements as are required in this Ordinance.
  2. Storm water drainage as required in this Ordinance. If storm sewers are not feasible, then leaching basins must be installed. The installation of either storm sewers or leaching basins must be done in accordance with the plans and specifications of the City and well established engineering practices and approved by the City Engineer.
  3. Water supply and sanitary sewerage. Every portion of a subdivision shall be supplied with adequate water and sanitary sewerage facilities. Public water and sanitary sewerage facilities shall be provided in all plats to which such facilities are determined reasonably available by the Council.



4. Sidewalks may be provided as required in Subsection (2)(b).
5. Pedestrian ways may be required within public easements, as determined by the Planning Commission.
6. Street and/or pedestrian scale lighting, of a type and location approved by the City Engineer, shall be provided.

# Article 19

## Site Condominium Development

### Sec. 19.1. Intent

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the City Council. This Article is not intended to regulate condominium projects that will not include one-family detached dwellings.

### Sec. 19.2. Purpose

The purposes of these condominium regulations are to:

- (1) Provide for the orderly growth and harmonious development of the community;
- (2) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities;
- (3) Achieve individual property sites of maximum utility and liability;
- (4) Secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements.
- (5) Secure adequate provisions for recreational areas, school sites and other public facilities.

### Sec. 19.3. Definitions

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

- (1) Administrator refers to the Building and Zoning Administrator of the City of St. Louis.
- (2) Condominium Act means Act 59 of 1978, as amended.
- (3) Condominium Subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- (4) Condominiums Subdivision Plan means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

- (5) Condominium Unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- (6) Consolidating Master Deed means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- (7) Contractible Condominium means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (8) Conversion Condominium means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- (9) Convertible Area means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (10) Expandable Condominium means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (11) Front Yard Setback shall be equal to the distance between the front yard area line and the condominium dwelling.
- (12) Lot shall mean the same as "Homesite" and "Condominium Unit."
- (13) Master Deed means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- (14) Rear Yard Setback shall be equal to the distance between the rear yard area line and the condominium dwelling.
- (15) Side Yard Setback shall be equal to the distance between the side yard area line and the condominium dwelling.

#### **Sec. 19.4 Review Process**

- (1) Preliminary Investigation.
  - (a) Prior to the preparation of the condominium subdivision plan, the condominium project developer may wish to meet informally with the Administrator to investigate the procedures and standards of the City with reference to the condominium project, the provisions of the City Comprehensive Plan, Zoning Code regulations which affect the area in which the

proposed condominium project is located. A condominium project shall be subject to all requirements and standards of the applicable zoning district in which it is located.

- (b) It is the responsibility of the condominium project developer to:
1. Be familiar with all applicable provisions of these Codified Ordinances and the City construction standards;
  2. Investigate the adequacy of existing schools and public open spaces; including parks and playgrounds, to serve the proposed project;
  3. Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;
  4. Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the City and the health standards of the County and the State; and
  5. Review the applicable State laws.

(2) Review Procedure

- (a) *Planning Commission recommendation.* The first step of the review process consists of a review of the condominium subdivision plan and a recommendation by the Planning Commission after an administrative review has been accomplished by the appropriate departments of the City. This procedure is intended to survey all existing and proposed conditions pertaining to the development of the property.
- (b) *Council review and tentative approval.* The second step of the review process consists of a review and approval by Council, after receiving the recommendation from the Planning Commission and the City Manager's report as specified under Section 19.6 (3), including staff recommendations. This stage is intended to provide the developer with an assurance that the preliminary concepts of the plan are acceptable and that detailed engineering may proceed.
- (c) *Final approval and acceptance of detailed engineering plans by Council.* Final approval of the condominium subdivision plan may be granted by Council. This step consists of final acceptance of the detailed plans for all improvements within the proposed project. Upon the granting of such approval by Council, construction of the project may begin. Approval of the project engineering plans shall be effective for a period of two (2) years from the date of approval.
- (d) *Final condominium project; acceptance of dedicated improvements by Council.* This is the actual acceptance of the constructed improvements within the project by Council. Upon the approval of the final plan by Council, subsequent approval shall follow the procedures set forth in this Article and applicable State laws.

- (3) Initial Information: Concurrently with notice required to be given the City of St. Louis pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
- (a) Seven (7) copies of the condominium subdivision plan pursuant to Section 66 of the Act together with an 11" x 17" reduced reproduction of the site plan and a written application shall be submitted to the Administrator for processing. Planning review fees are due and payable with the submission.
  - (b) The condominium subdivision plan should include, in addition to the contents required in Section 19.5:
    - 1. The proposed name of the condominium.
    - 2. The name, address and telephone number of:
      - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
      - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
    - 3. The developer or proprietor of the condominium project.
    - 4. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
    - 5. The acreage content of the land on which the condominium project will be developed.
    - 6. The purpose of the project (for example, residential, commercial, industrial, etc.).
    - 7. Approximate number of condominium units to be developed on the subject parcel.
- (4) Information to be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.
- (5) Site Plans - New Projects Master Deed, and Engineering and Inspections:
- (a) Prior to recording the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Sections 19.6 through 19.8 of this Ordinance.
  - (b) In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, City Attorney and City Engineer,

regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

**Sec. 19.5. Condominium Subdivision Plan - Required Contents**

All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:

- (1) Existing conditions. The condominium subdivision plan shall include:
  - (a) An overall area map showing the relationship of the condominium project to surrounding areas within one-quarter (1/4) mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one inch equals two hundred (200) feet.
  - (b) The boundary line of the proposed condominium project, section or corporation lines within or adjacent to the tract and the overall property dimensions;
  - (c) Property lines of adjacent tracts of land shown in relation to the tract being proposed for condominium project, including those of areas across abutting roads;
  - (d) The locations, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for condominium project, including those located across abutting roads;
  - (e) The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for condominium project;
  - (f) The topography drawn as contours with an interval of not more than two (2) feet. Elevations shall be based on United States Geological Survey data; and
  - (g) Base flood elevation data, for a condominium proposal that is lying within a flood hazard area as identified by the Flood Insurance Study for the City. Base flood elevation shall indicate the anticipated high water level during a flood having a one percent chance of being equaled or exceeded in any given year;
  - (h) Significant natural and man-made features which could influence the layout and design of the condominium proposal;
  - (i) The school board or school board superintendent shall be informed and made known of the proposed condominium project by the proprietor and/or City.
- (2) Proposed conditions. The condominium subdivision plan shall include:
  - (a) The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the widths and location of alleys, easements

and public walkways. Street names shall be indicated as approved by the City Engineer and the County Planning Commission;

- (b) The layout, numbers, area and dimensions of condominium units, including building set-back lines showing dimensions;
- (c) An indication of parcels of land intended to be dedicated or set aside for public or common use or for the use of property owners in the condominium project;
- (d) An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the plan. If the developer has an interest in or owns any parcel so identified as "excepted," the plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed condominium project;
- (e) An indication of the system proposed for sewage by a method meeting the requirements of the Council and the Michigan Department of Environmental Quality.
- (f) An indication of the system proposed for water supply by a method meeting the requirements of Council and the Michigan Department of Health; and
- (g) An indication of the storm drainage method and the disposal area;
- (h) In a case where the developer wishes to develop a given area but wishes to begin with only a portion of the total area, the plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly super-imposed upon the overall plan in order to illustrate clearly the method of development which the developer intends to follow.

#### **Sec. 19.6. Review by Planning Commission**

- (1) The City Clerk shall send a notice to the developer and the owners of property abutting the property to be developed, including the land across adjacent streets, of the receipt of the plan and the time and place of the meeting of the planning commission to consider such plan. Such notice shall be sent by first class mail not less than five days before the date fixed for the meeting.
- (2) The Administrator shall transmit copies of the condominium subdivision plan to the City Manager, the Departments of Water and Wastewater, the St. Louis Electric Department, the Department of Public Works, the Police Department and the Fire Department, for technical review and recommendation. Each Department shall prepare comments and recommendations in writing.
- (3) A written report shall be prepared which shall include the recommendations from the Zoning Administrator and the individuals and departments listed in (2) above. This report shall be submitted to the Planning Commission for its deliberation.
- (4) The Commission shall review all details of the plan within the framework of this Zoning Ordinance, within the various elements of the City Comprehensive Plan and within the standards of this Article

and other applicable ordinances and regulations. All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Sections 18.7 through 18.12 and Sections 22.3 through 22.5. Nothing in this Article shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.

- (5) The Commission shall recommend to Council approval or disapproval of the plan, and a copy of the minutes containing the Commission's recommendation and all accompanying material shall be forwarded to the developer and the Council.

#### **Sec. 19.7. Council Review and Tentative Approval**

The procedure for Council review and tentative approval is as follows:

- (1) Review.
  - (a) Council shall not review a condominium subdivision plan until it has received the recommendation of the Planning Commission. Following the receipt of such recommendation, Council shall consider the plan at the meeting at which the matter is placed on the regularly scheduled agenda.
  - (b) Preliminary approval of the plan shall not constitute final approval.
- (2) Approval
  - (a) Tentative approval by Council of the plan shall be effective for twelve (12) months. Should the condominium subdivision plan in whole or in part not be submitted for final approval within this time period, an extension must be applied for by the developer and the request granted in writing by Council.
- (3) If Council approves the plan, it shall make a notation to that effect on each copy of the plan, and the Director shall distribute copies of the same as follows:
  - (a) Return one copy to the developer.
  - (b) Return one copy to the Commission, which copy shall become a matter of permanent record in the Department of Building and Zoning.
  - (c) Return one copy to the developer's surveyor.
  - (d) Return remaining copies to the Departments of Water and Wastewater, St. Louis Electric Company, Police Department, Fire Department and the Department of Public Health.
- (4) If Council approves the condominium subdivision plan, the Administrator shall inform:
  - (a) The developer of the name and address of the permit holder operating cable communications system in the vicinity of the proposed condominium project.



- (b) The cable communications system permit holder in the City of the proposed condominium project submitted by the developer.
- (5) If the condominium subdivision plan is disapproved by Council, the reasons shall be given to the developer with recommendations, if any.

**Sec. 19.8. Site Plans - Expandable or Convertible Projects**

The procedure for submittal and final approval of the condominium subdivision plan that is an expandable or convertible condominium project, and final approval of the detailed plans for all improvements within the proposed expandable/convertible condominium project shall be:

- (1) Filing
  - (a) Nine (9) copies of the condominium subdivision plan, containing all of the information of Section 66 of the Act as well as conforming to the requirements of the Department of Commerce Corporation and Securities Bureau Condominium Regulations, together with an 11" x 17" reduced reproduction of the plan and a written application shall be submitted to the Administrator at least ten (10) working days prior to the regular Council meeting, which meeting shall be considered as the date of filing. The Administrator shall transmit copies to the St. Louis Electric Department, the Fire Department, Department of Public Works, and the Departments of Water and Wastewater. Review fees are payable with such submission. Such fees may include the City's cost to retain a consulting engineer for final inspection of public improvements as identified in Section 19.12.
  - (b) The developer shall also submit five sets of detailed working drawings and calculations, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within and adjoining the project and soil erosion and sedimentation measures. These shall be distributed to the St. Louis Electric Department, the Fire Department, the Department of Public Works and the Departments of Water and Wastewater.
  - (c) The plan submitted for final approval shall conform substantially to the condominium subdivision plan as tentatively approved, and it may constitute only that portion of the approved plan which the developer proposed to record and develop at the time. However, such portion shall conform to all applicable State laws.
  - (d) When the complete set of plans is approved, one (1) set of plans shall be provided to the City before construction may begin.
  - (e) Plans submitted shall be on twenty-four-inch by thirty-six-inch white prints having blue or black lines.
  - (f) For projects having more than one sheet of plans, a general plan having a scale of one inch equals one hundred (100) feet shall be provided showing the overall project and indicating the location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions and lot numbers shall be shown on all plans.

Superimposed on this general plan shall be two-foot contours of the area outside the boundaries of the proposed project to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at a scale of one inch equals forty (40) feet.

- (g) All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate the existing ground along the route of the sewer and the proposed easement grade or the existing or proposed top of curb or centerline of pavement grade. The location of required compacted granular backfill shall be indicated on the profile, together with other intersecting, existing or proposed utilities.
  - (h) Elevation shall be based on United States Geological Survey data. There shall be at least one (1) bench marks established within the site and which shall be shown on each plan sheet.
  - (i) Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.
  - (j) When construction plans are submitted to the City for approval, they shall include all proposed construction within the project. All required improvements shall be shown to the boundaries of the project, unless otherwise approved by the Administrator. A complete plan shall generally include sanitary sewers, water mains, storm sewers and paving. A single plan submittal cannot be approved without all other utilities shown.
  - (k) When the complete set of plans is approved, one (1) set of plans shall be provided to the City before construction may begin.
- (2) Review
- (a) The detailed working drawings and calculations shall be reviewed by the St. Louis Electric Department, the Police Department, the Fire Department, the Department of Public Works and the Departments of Water and Wastewater for compliance with the City Ordinances, the City construction standards and any other applicable codes and ordinances.
  - (b) The condominium subdivision plan shall be reviewed by the Building and Zoning Administrator for compliance with the tentatively approved plan, the City Comprehensive Plan, this Zoning Ordinance and any other applicable regulations.
  - (c) A report shall be prepared and submitted to Council by the Administrator, which report shall include final Department comments and recommendations on the drawings/plans.
- (3) Final approval and acceptance of engineering plan.
- (a) Council shall take action on the condominium subdivision plan upon receipt of the Engineer's report and staff recommendations, within twenty (20) days of the submission of all necessary approved documents.

- (b) If the plan conforms substantially to the plan tentatively approved by Council, meets all conditions laid down for final approval and has been approved by the necessary agencies, Council shall approve the engineering plans.
- (c) Council shall instruct the City Clerk to record all proceedings and the minutes of the meeting which record shall be open for public inspection.
- (d) The City Clerk shall promptly notify the developer of approval or rejection of the condominium subdivision plan in writing. If rejected, reasons shall be given.
- (e) Approval of the plan shall be effective for a period of two (2) years from the date of approval. The two (2) year period may be extended if applied for by the developer and granted by Council in writing.
- (e) No installation or construction of any improvement shall be made before the plan has received final approval by Council and before the engineering plans have been certified to conform to City construction standards. The developer shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

**Sec. 19.9. Monuments Required - Site Condominium Projects**

All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites, shall be marked with monuments as provided in this subsection:

- (1) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- (2) Monuments used shall be made of solid iron or steel bars at least one-half ( $\frac{1}{2}$ ) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- (3) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- (4) If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

- (5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- (6) All required monuments shall be placed flush with the ground where practicable.
- (7) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter, or other approved markers.
- (8) City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City of St. Louis, whichever the proprietor selects, in an amount to be determined by the City Council. Such fee shall be assessed on a "per monument" basis and include a "not to exceed" amount for the total number of monuments. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

**Sec. 19.10. Final Condominium Project - Acceptance of Public Improvements by Council**

The procedure for submittal, approval and acceptance of improvements in the project is as follows:

- (1) Filing
  - (a) One mylar copy and three prints of the final condominium plan and 11" x 17" reduced reproduction of the condominium subdivision plan shall be filed by the developer with the Administrator.
  - (b) One mylar copy and a paper print of "as-built plans" for utilities and other improvements shall be filed by the developer with the Administrator.
  - (c) The project shall comply with provisions of any applicable State laws and this Article.
  - (d) The developer shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have conveyed the improvements.
  - (e) The developer shall submit copies of receipts from the City Treasurer indicating that all fees and charges and other charges required by any regulations and other ordinances have been paid.
  - (f) Submission of the plan shall constitute an offer of all public improvements for City Council acceptance.
  - (g) Council shall review all recommendations and take action on the approval and acceptance of all public improvements within twenty (20) days of its date of filing. The date of filing shall be that date on which all required information has been provided.

- (h) Developer shall submit copies of lien waivers from all contractors and sub-contractors, approved bill of sales for materials used in construction of public utilities, warranty deed for all public road right-of-way and easements for all public utilities not located within the right-of-way, if any.
  - (i) Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
  - (j) The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and records as part of the master deed.
  - (k) All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- (2) Review
- (a) The improvements shall reviewed by the Administrator as to compliance with the approved condominium subdivision plan and approved Engineering plans for utilities and other improvements.
  - (b) The project and public improvements shall conform substantially to the plan as approved.
  - (c) The Administrator shall certify that inspection during construction has been conducted in accordance with the requirements of Section 19.12.
  - (d) A report shall be prepared by the City Manager and Building and Zoning Administrator, including recommendations for either approval or rejection of the project.
- (3) Approval
- (a) Upon the approval and acceptance of public improvements by Council the City Clerk shall inform the developer.
  - (b) Council shall instruct the City Clerk to record all proceedings and the minutes of the meeting, which shall be open for inspection, and to certify on the approved condominium plan on behalf of Council, Council's approval and the date of the approval.
  - (c) A mylar copy of the condominium subdivision plan and as-built plans shall be filed with the City as record.

**Sec. 19.11 Completion of Improvements**

- (1) Before the acceptance of public improvements by the City Council, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvement. The developer shall also convey such improvements to the City of St. Louis free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (2) In lieu of completion of all improvements and with specific consent of the Council, acceptance of the public improvements may be authorized. As a condition of such acceptance, prior to the undertaking of any improvement, the developer shall deposit with the City a true copy of an acceptable agreement showing that the developer has deposited with the bank or other agent acceptable to the City, cash, a certified check, an irrevocable bank letter of credit or surety bond, in an amount estimated by the City as sufficient to secure to the City the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent one hundred twenty-five (125) percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these Ordinances.
- (3) The developer shall build and pay for all costs of temporary improvements required by Council and shall maintain the same for the period specified by Council.
- (4) All required improvements shall be made by the developer at his or her expense without reimbursement by the City.
- (5) If the required improvements are not completed within the time period specified by Council, the City may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty.

**Sec. 19.12. Inspection of Public Improvements**

- (1) The City may retain an Engineer who shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction shall be satisfactorily completed. The cost of such engineering services shall be paid by the developer/applicant and be included in the filing fees in Section 19.8. If the Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved plan, the City construction standards or the requirements of Council, the developer shall be responsible for completing or modifying the public improvements. Wherever the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.

- (2) Certification required, reduction of surety.
  - (a) Council shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the City Attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the City's Engineer (if one has been retained) has certified that the required public improvements have been completed; and until the developer's engineer has certified to the City, through submission of reproducible "as-built" plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, Council may accept the public improvements for conveyance in accordance with the established procedure.
  - (b) The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all public improvements by Council.

**Sec. 19.13. Late Completion of Improvement/Temporary Occupancy**

- (1) Whenever, by reason of the season of the year, any improvement required cannot be performed, the Administrator may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the City for the cost of such improvement. Such funds shall be deposited with the City. The surety covering such lot improvement shall remain in full force and effect.
- (2) All required improvements for which a bond has been accepted by the City at the time of issuance of the certificate of occupancy, shall be installed by the developer within one year. If the improvement has not been properly installed at the end of such time period, the Building and Zoning Administrator shall give two (2) weeks written notice to the developer requiring installation of the same. If the improvement is not installed within such a two-week period, the Building and Zoning Administrator may then request Council to authorize the City to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the City, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one year if the same has not been duly installed by the developer. (Ord. No. 091-09, 5-7-91)

**Sec. 19.14. Issuance of Zoning Code Building Permits**

- (1) No building permit shall be issued for more than ten (10) percent of the condominium units in a project until all public improvements required by Council have been fully completed and conveyed to the City and accepted by Council.

- (2) No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of those improvements to the City and acceptance of the improvements by Council, except as provided in Section 19.13.

**Sec. 19.15. Maintenance of Public Improvements**

- (1) The developer shall file a maintenance bond with the City prior to dedication, in an amount equal to twenty-five (25) percent of the construction cost of the required public improvements, and in a form satisfactory to the City Attorney, in order to assure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two years after the date of their acceptance by Council.
- (2) The applicant shall maintain all public improvements within the project until acceptance of such public improvements by Council.



# Article 20

## Off-Street Parking and Loading

### Sec. 20.1. Residential Off-Street Parking

Provision shall be made for at least one (1) usable off street parking space for each new dwelling unit. Parking in residential zones is only permitted as an accessory use, and in no case is it intended that parking be permitted as a principal use of any residentially zoned lot. Apartments or multiple-family dwellings shall provide one and one-half (1½) parking spaces for each dwelling unit. Additional requirements for other residential use types are described in Section 20.2(A). Requirements for establishing parking areas in a residential zone are described further in Section 20.10.

### Sec. 20.2. Off-Street Parking for Various Uses

The required number of off-street parking spaces by type of use (required parking spaces per unit of measure) shall be determined in accordance with the following schedule:

USE	REQUIRED NUMBER OF PARKING SPACES PER UNIT OF MEASURE
<b>A. Residential</b>	
1. One-family and two-family.	At least one (1) for each dwelling unit.
2. Multiple-family.	One and one half (1½) for each dwelling unit. See also Section 20.10.
3. Housing designed specifically for the elderly.	One (1) for each 2 units. Should dwelling units revert to general occupancy, then multiple-family standards shall be met. A minimum of 1 visitor space shall be required for each 6 dwelling units. Plus one (1) space per employee.
4. Dwelling units in the C-1 District.	One (1) for each dwelling.
5. Mobile home park/manufactured housing community.	Two (2) for each mobile home and 1 for each 3 mobile homes for visitor parking.
<b>B. Institutional</b>	
1. Auditoriums, assembly halls, gyms, outdoor arenas for institutional uses, stadiums and sports arenas.	One (1) space per each 3 seats of permitted capacity or 1 space per 6 feet of bleachers, whichever is greater.
2. Churches or places of worship.	One (1) for each 3 seats or 6 feet of pews in the main unit of worship.

USE	REQUIRED NUMBER OF PARKING SPACES PER UNIT OF MEASURE
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**B. Institutional**

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| 3. Elementary, Junior High Schools.                       | One (1) for each classroom and office, in addition to the requirements of the auditorium or gym or assembly hall.  |
| 4. Group day care home.                                   | Two (2) in addition to the 2 required for the residence. Such additional spaces may be located in the front or side yard setback.  |
| 5. Homes for the aged, convalescent and retirement homes. | One (1) for each 2 units. Should dwelling units revert to general occupancy, then multiple-family standards shall be met. A minimum of 1 visitor space shall be required for each 6 dwelling units. Plus one (1) space per employee. |
| 6. Hospitals, including emergency rooms.                  | Two (2) spaces per each licensed bed; or 1 space per each 2 licensed beds, plus 1 space per each staff doctor and employee during peak shifts, plus 1 space for each 5 outpatients on a typical peak outpatient weekday.             |
| 7. Municipal recreation centers.                          | Five (5) spaces per 1,000 square feet of floor area plus parking required for outdoor courts, fields and facilities, or .33 spaces per person of permitted capacity, whichever is greater.   |
| 8. Nursery Schools, Day Nurseries, or Child Care Centers. | One (1) per 350 square feet of usable floor space.   |
| 9. Private clubs or lodge halls.                          | One (1) for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes or 15 spaces per 1,000 square feet of usable floor area, whichever is greater.          |
| 10. High Schools.   | Four (4) for each classroom and 1 for each office, in addition to the requirements of the auditorium or gym or assembly hall.  |

**C. Business and Commercial**

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| 1. Auto wash (automatic).                     | Auto washes (automatic): Four (4) per wash lane plus the stacking lane.                |
| 2. Auto wash (self-service or coin operated). | Two (2) for each washing stall in addition to the stall itself plus the stacking lane. |

USE	REQUIRED NUMBER OF PARKING SPACES PER UNIT OF MEASURE
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C. Business and Commercial	
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3. Automobile service stations.	Two (2) for each service bay and 1 for each gasoline pump in addition to the requirements of a car wash and convenience store listed in this Section, if included.
4. Bars, nightclubs, lounges (majority of sales consist of alcoholic beverages).	One for each two persons allowed within the maximum occupancy load as established by the local fire marshal.
5. Beauty parlor or barbershop.	Three (3) spaces for each of the first 2 beauty or barber chairs, and one and 1½ spaces for each addition chair.
6. Bowling alleys.	Five (5) for each 1 bowling lane, plus the requirements for accessory facilities such as bars and restaurants.
7. Building hardware and household equipment when not part of a department store. Otherwise see retail general.	One (1) space for each 500 square feet of gross floor area.
8. Club warehouses.	One (1) per 175 square feet of usable floor area.
9. Commercial outdoor recreation centers not specified elsewhere.	To be determined by the Planning Commission in consideration of the expected types of activities, number of participants, spectators, accessory uses and occupants per vehicle.
10. Convenience store, with or without gasoline service.	One (1) per 250 square feet of usable floor area, plus spaces required for an auto service station activities or gasoline sales.
11. Custom workshops such as furniture, refinishing or custom designed furniture manufacturing.	One (1) space for each 800 square feet of gross floor area, plus 1 space for each two (2) employees.
12. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats.	One for each two persons allowed within the maximum occupancy load as established by the local or State Fire Prevention Code.

USE	REQUIRED NUMBER OF PARKING SPACES PER UNIT OF MEASURE
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C. Business and Commercial	
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| 13. Discount store.  | Five (5) spaces per 1,000 square feet of usable floor area.  |
| 14. Driving range.   | One (1) space per 2 tees plus parking required for any other uses.   |
| 15. Dry cleaners, laundromat.  | One for each two washing and dry cleaning machines, plus 2 stacking spaces for each drive-through lane.  |
| 16. Food stores/grocery stores.  | One (1) space per 250 square feet of usable floor area.  |
| 17. Funeral homes and mortuaries.  | One (1) space per 50 square feet of service parlors, chapels, and reception areas, plus 1 space per each funeral vehicle stored on the premises.                   |
| 18. General retail sales and service establishments, not elsewhere classified. | One (1) space per 200 square feet of usable floor area.  |
| 19. Golf course, par 3.  | Three (3) spaces per each course hole plus parking required for accessory uses such as arcades or batting cages, plus 1 space for each employee at the peak shift. |
| 20. Golf courses (public or private) except miniature or par 3 courses.        | Four (4) spaces for each golf hole and 1 space for each employee. Plus any spaces required for banquet rooms, restaurant and other uses.                           |
| 21. Hypermarkets (combined grocery and department stores).                     | One (1) per 175 square feet of usable floor area.  |
| 22. Marinas and waterfront developments.                                       | One (1) space per boat slip and 1 space per 150 square feet of usable floor area of principal building   |
| 23. Mini-, self-storage warehouses.  | Minimum of 6 spaces.   |
| 24. Motels, hotels, or bed and breakfast inns.                                 | One (1) for each one (1) occupancy unit, plus extra spaces for dining rooms, ballrooms, meeting rooms, etc., as required herein.                                   |

USE	REQUIRED NUMBER OF PARKING SPACES PER UNIT OF MEASURE
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C. Business and Commercial	
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| 25. | Motor vehicle sales and service establishments.   | One (1) space per 200 square feet of usable floor space of salesroom and 1 space for each 1 auto service stall in the service room. The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose. Parking space is exclusive of the requirement for new vehicle storage and display. |
| 26. | Oil change facilities.  | A minimum of 3 spaces for employees, and not less than 2 for each lubrication stall, rack, pit, or similar service area plus the stacking lane.  |
| 27. | Planned commercial or shopping centers in which the prime tenants are a supermarkets and/or department stores.  | One (1) per 150 square feet of usable floor space.   |
| 28. | Racquetball/tennis centers.   | One (1) space per 1,000 square feet floor area or 6 spaces per court, whichever is greater.  |
| 29. | Restaurant (including restaurants with or without dancing, lounges, bars and entertainment facilities, which provide only seated table service).  | One (1) space per 100 square feet of gross floor area, plus any spaces required for any banquet and meeting rooms.   |
| 30. | Restaurant, family (without a bar or lounge area which provides food delivered to tables or dining counters and only incidental carry-out service).   | One (1) space per 100 square feet of gross floor area plus any spaces required for any banquet or meeting rooms.   |
| 31. | Restaurant, take out, fast food (including drive-through and drive-in, providing quickly or previously prepared foods. The patron typically carries the food out to separate indoor or outdoor seating area). | One (1) space per 100 square feet of gross floor area, plus 3 stacking spaces per order pick-up station, plus spaces for employees of a peak shift, minimum of 3 spaces.   |
| 32. | Shopping centers.   | One (1) per 175 square feet of usable floor area, plus spaces restaurant, if included.   |
| 33. | Swimming pools.   | One (1) space per each 3 persons of capacity authorized by the Building Code.  |
| 34. | Theaters, cinemas, or auditoriums.  | One (1) space for each 3 seats or 6 feet of benches.   |

USE	REQUIRED NUMBER OF PARKING SPACES PER UNIT OF MEASURE
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**C. Business and Commercial**

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| 35. Video arcades.               | One (1) space per 50 square feet of usable floor area, with a minimum of 6 spaces required.         |
| 36. Video rental establishments. | Fifteen (15) spaces per 1,000 square feet of usable floor area with a minimum of 6 spaces provided. |

**D. Office**

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| 1. Branch banks, credit unions or savings and loans.                                   | One (1) space per each 200 square feet of usable floor area plus 2 spaces per each 24-hour teller, plus 2 stacking spaces for each drive-up teller.         |
| 2. Business and professional.  | One (1) space per 200 square feet of usable floor space.  |
| 3. Medical clinics: outpatient care centers, emergency care/24-hour med stations, etc. | Two (2) spaces per exam or outpatient procedure/operating room, plus 1 for laboratory or recovery room, plus 1 space for each 2 rooms for employee parking. |
| 4. Medical/dental offices.   | One (1) space per 150 square feet of usable floor area.   |

**E. Industrial**

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|---|---|
| 1. Light industrial, manufacturing, testing labs, research and development centers. | One per 200 square feet of usable floor area, plus one for each company vehicle stored on the premises. |
| 2. Wholesale/warehouse establishments (non-retail warehouse).                       | One per 2,000 square feet of usable floor space.  |

*-- End of Section --*

**Sec. 20.3. Mixed Occupancies, Shared Use of Parking, and Uses Not Specified**

- (1) Mixed Occupancies: In case of a situation where there is more than one use in a single structure, the following off-street parking regulations may apply:
- (a) For two uses per structure, 95% of the otherwise combined required parking.
  - (b) For three uses, 90%.
  - (c) For four uses, 85%.

- (d) For five or more, 80%.

In no case shall less than 80% be allowed.

(2) Shared Use of Parking

- (a) **General.** The Planning Commission may approve shared use of parking facilities located on separate properties if:

- 1. A convenient pedestrian connection between the properties exists; and
- 2. The properties are within five hundred (500') feet and shall be contiguous; and
- 3. The availability of parking on all affected properties is indicated by directional signs.

- (b) **Number of Spaces Required.** Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.

- (c) **Overlapping Hours.** Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total is reduced by 10 percent:

- 1. The parking areas share a property line; and
- 2. A vehicular connection between the lots exists; and
- 3. A convenient, visible pedestrian connection between the lots exists; and
- 4. The availability of parking for all affected properties is indicated by directional signs.

- (d) **Documentation Required.** Prior to establishing shared use of parking, the property owner or owners shall file with the City a written agreement approved by the Planning Commission providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

- (3) **Uses Not Specified:** For those uses not specifically mentioned in Section 20.2, the requirements for off-street parking facilities shall be in accord with a use, which the Planning Commission considers is similar in type.

**Sec. 20.4. General Requirements**

- (1) Application for parking lot construction. Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Landscape requirements and standards of Article 22 shall be adhered to. Any curb cuts, entrances, exits, drainage, and design shall be presented for site plan approval by the Planning Commission. Location, number and signage of physical handicapped parking space shall be under the jurisdiction of the Zoning Administrator.

- (2) Design and construction. The design and construction of parking areas shall conform to the following requirements:
- (a) Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
  - (b) Parking spaces shall be at a minimum nine (9) feet by twenty (20) feet in size. This does not include access drives and aisles.
  - (c) Each nonresidential parking space shall be served by a drive or aisle.
  - (d) There shall be a curb, wheel stop or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb, wheel stop or bumper shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.
  - (e) Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
  - (f) Except for single-family dwellings, off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water on-site.
  - (g) Access drives to and from a parking area shall be paved as stated in Division (2)(f) above. Design and construction of access drives shall be approved by the Zoning Administrator.
  - (h) Any construction or rearrangement of existing drives which involve the ingress or egress of vehicular traffic to or from a public street shall be arranged to ensure the maximum safety and the least interference of traffic upon the streets, and shall be approved by the Zoning Administrator.
  - (i) All parking areas for commercial or industrial district uses shall be screened as required in Section 20.7(1)(b).
- (3) The provisions of paved access drives between the nearest public street and a parking area shall be considered as an off-street parking requirement but not as part of the required parking area.
- (4) The required parking area for a building shall be figured on the entire floor area of the first floor. Parking for additional stories, including any basement, shall be added to the total of the required area for the first floor. Storage area on other than the first floor shall not be included in the total required area.
- (5) The occupancy of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use.
- (6) No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.



- (7) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

**Sec. 20.5. Location**

In residential zones required parking shall be provided on the same lot with the principal building. In nonresidential zones required parking may be located on another lot or across a street provided that there is direct pedestrian access from the parking area to the doorway of the principal use not exceeding a walking distance of three hundred (300) feet.

**Sec. 20.6. Community Parking**

The provisions of this ordinance may be met by participation in a municipal or joint community parking program designed to serve a larger area, provided plans for the community parking have been approved by the plan commission. All new business buildings and additions to present business buildings in a commercial zone within three hundred (300) feet of a municipal parking area shall be considered as participating in a community parking program.

**Sec. 20.7. Parking Areas in Commercial and Industrial Zone**

- (1) Location and Screening, Surfacing, Lighting of Off-Street Parking Facilities

Every parcel of land hereafter established as a public or private parking area in any "C" or "I" zone or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:

- (a) Off-street parking facilities shall be located within 300 feet of the building designated for commercial use. The distance shall be measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve.
  - (b) Off-street parking areas shall be effectively screened on any side which adjoins or faces premises situated in any residential zone district or institutional premises, by a screening of evergreen hedge or other natural landscaping, provided however that if owners of adjacent residential properties agree, in writing, this screening shall be done by a solid uniformly painted fence not less than four (4) or more than six (6) feet in height maintained in good condition. No part of any parking area shall be closer than ten (10) feet to any school, hospital or other institutional property line. If the use is on a corner lot, even though it is a nonresidential use, the requirements as stated in Section 3.16 and Section 3.30(1) shall apply.
  - (c) The off street parking area shall be subject to the approval of the Planning Commission to ensure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.
- (2) An off-street waiting space such as used in a drive-thru establishment, is defined as an area with a minimum width of ten (10) feet and a minimum length of twenty (20) feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any C-1, C-2, or C-3 District.

**Sec. 20.8. Required Off-Street Loading and Unloading Space**

- (1) In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces in relation to floor area as follows:
  - (a) Up to 20,000 square feet.....1 space  
 20,000 to 50,000 square feet.....2 spaces  
 50,000 to 100,000 square feet.....3 spaces  
 One (1) additional space for each additional 100,000 square feet, or part thereof, and;
  - (b) Each loading space shall be at least twelve (12) feet in width, and eighty-eight (88) feet in length, and have a clearance of fourteen (14) feet above grade;
  - (c) Such space may occupy all or any part of any required yard or court space excluding any front yard area;
  - (d) No such space shall be located closer than fifty (50) feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a uniformly painted solid board or masonry fence of uniform appearance which is not less than eight (8) feet in height.

**Sec. 20.9. Parking Areas in Residential Zones**

Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the plan commission showing the location, size, shape, design, landscape, curb cuts and other features of the parking lot. The establishment and operation of a parking area accessory to a commercial or industrial use in the parts of any residential district that abut either directly or across the street or alley from a commercial or industrial district is permitted. All the parking areas and parking areas required for new multiple family dwellings and all nonresidential buildings in all residential zones may then be authorized, subject to the following conditions:

- (1) All parking areas shall be landscaped, screened, surfaced and drained as provided in Section 20.7 of this ordinance.
- (2) No part of the parking areas shall extend into the required front yard more than one-half (1/2) of the yard required for a residential building, and where the lot or a portion of the lot lies between two (2) privately owned residential properties the full front yard setback shall be observed. In either case the front yard area not occupied by the access drive shall be landscaped.
- (3) No paved area shall be closer than five (5) feet to any lot line.
- (4) The parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on the parking lot. No sign, other than entrance, exit and condition of use signs, shall be maintained and the aggregate area of all the signs shall not exceed twelve (12) square feet.

- (5) Each entrance to and exit from the parking lot shall be at least fifteen (15) feet distant from any adjacent property located in any residential zone and the location and design of entrances, exits, surfacing, landscaping, marking and lighting shall be subject to the approval of the plan commission to ensure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
- (6) The building inspector shall thereafter issue an occupancy permit which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this ordinance or fixed to the permit, shall be deemed in violation of this ordinance and shall be subject to the penalties prescribed in this ordinance.

**Sec. 20.10. Parking Variance**

Where it can be demonstrated that the parking requirements will provide an unnecessary amount of parking area for a particular use the Planning Commission may approve a plot plan showing only a part of the required parking area improved as called for, provided all of the following conditions are present:

- (1) The use of property does not provide services to the general public.
- (2) The maximum number of employee and visitor vehicles during any day can be demonstrated and accommodated.
- (3) An agreement to provide for additional parking when a change in the conditions occurs is legibly stated on said plot plan and signed by the owner.
- (4) The unimproved portion of the parking area is clearly shown reserved for future parking and is in a location approved by the Planning Commission.

# Article 21

## Signs

### Sec. 21.1. Scope

This Article is intended to regulate and limit the construction or reconstruction of signs and billboards to protect the public peace, morals, health, safety and general welfare. Such signs will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare. Signs shall be permitted except as otherwise provided in this Article.

### Sec. 21.2. Definitions

- (1) Illuminated Signs. A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- (2) Identification Signs. A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.
- (3) Pole Signs. A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a sign area not more than one hundred (100) square feet.
- (4) Projecting Signs. A sign which is generally perpendicular to, and is supported by, a wall of a building.
- (5) Portable Signs. A free-standing sign not permanently anchored or secured to either a building or the ground.
- (6) Pylon Signs. A sign supported by one post placed in the ground, not attached to any building. A pylon sign is of a height and dimension that can be seen from a substantial distance, primarily by freeway traffic, with the bottom of the sign at a higher elevation than the highest point of any building on the lot on which the sign is located.
- (7) Real Estate Signs. A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
- (8) Temporary Signs. A display, information sign, banner or other advertising device with or without a structural frame and intended for a period of display limited to two (2) weeks, including seasonal produce sales, decorative displays for holidays or public demonstrations.

- (9) Marquee Signs. An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- (10) Wall Signs. A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches therefrom nor more than five (5) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.
- (11) Roof Signs. Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- (12) Institutional Bulletin Board. A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- (13) Subdivision Sign. A sign placed at the primary entrance to a subdivision, containing information only about the subdivision.

This term also refers to signs at the primary entrance to a mobile home park. Such signs shall be without moving parts, not higher than ten (10) feet from the ground and no closer than twenty (20) feet to any public right-of-way line.

- (14) Off-Site Sign. A sign advertising a business, or activity or event, and located on a parcel of land different from the parcel on which the business, activity or event is located.

### **Sec. 21.3. Permit Procedure**

- (1) Application for a permit to construct or locate a permanent sign shall be obtained from the City Zoning Administrator. The application shall include the following information.
  - (a) Name, address, telephone number of the landowner, developer, or petitioner.
  - (b) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and approximate location of the proposed sign(s).
  - (c) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
  - (d) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - (e) The proposed dates of construction and completion of the sign.

- (f) Other information or data as may be required by the Zoning Administrator.
- (2) In the case of a temporary sign, the length of time the proposed sign will be on the site.
- (3) The Zoning Administrator shall approve, disapprove, or approve subject to specified conditions, the request for a permit, based upon the standards for this Article.

**Sec. 21.4. Measurement of Area of a Sign**

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.

**Sec. 21.5. Signs Permitted**

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations.

- (1) In the R-1, R-2 and R-3 Residential Districts, no more than one (1) sign at any one time shall be permitted. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:
  - (a) On-Premises Advertising Sign, in the R-3 District only, for principal uses other than dwellings, not exceeding ten (10) square feet in area and not located nearer to the front lot line than one-half (½) the distance of the required front yard setback nor shall such sign be located in the required side yard setback.
  - (b) Identification Sign, in the R-1 and R-2 Districts, one (1) per dwelling unit, not exceeding one hundred forty-four (144) square inches in area.
  - (c) Institutional Bulletin Board, one (1) per public or semi-public institution, located on premises, not exceeding forty (40) square feet in area, and set back at least fifteen (15) feet from the front lot line.
  - (d) Real Estate Sign, in the R-1 and R-2 Districts, one (1) per premises or building and located on the same premises or building only while said real estate is actually on the market for sale, rent or lease; not exceeding four (4) square feet in area and set back at least five (5) feet from the front lot line. Such signs shall not exceed ten (10) square feet in the R-3 District.

- (e) Subdivision Sign, one (1) per subdivision or mobile home park, continuously and properly maintained; not exceeding thirty (30) square feet in area and set back at least fifteen (15) feet from any property or right-of-way line.
  - (f) Temporary Sign, on-premises or off-premises sign advertising real estate in a subdivision being for sale, rent or lease, not exceeding thirty (30) square feet in area and subject to approval by the Zoning Administrator for periods of up to one (1) year subject to removal as long as the sign conforms to the conditions of approval and said real estate is actively on the market for sale, rent or lease. The number of off-premises signs shall be limited to that reasonably necessary to direct the public to the location of the development.
  - (g) Portable Sandwich Signs. Two (2) portable sandwich signs are permitted outside each business establishment, one (1) located at the rear entrance of the business and one (1) located at the front entrance of the business. Each sign is limited to two (2) feet in width and four (4) feet in height. Such signs may be displayed only during business hours and shall be located so as not to interfere with pedestrian or vehicular traffic. Each sign shall be located on the sidewalk adjacent to the business that it represents. Portable sandwich signs shall not have an electrical source, or any type of electrical supply. Portable sandwich signs shall not be lighted or have any type of lights on them. Portable sandwich signs shall be without wheels. A portable sandwich sign shall be constructed of wood, metal, slate, and/or plastic. A portable sandwich sign shall not have any umbrellas attached to it. The portable sandwich sign display shall relate to the business that it is adjacent to. A portable sandwich sign is a sign which directs attention to a business, product, activity or service manufactured, sold, offered or conducted upon or adjacent to the premises where the sign is located. Each portable sandwich sign shall comply with all traffic laws, rules and regulations. Portable sandwich signs shall only be permitted in the C-1 and C-2 Districts.
- (2) Mobile Home Parks and Multi-Family Dwellings. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:
- (a) Same as for single-family and two-family residential.
  - (b) Wall Sign, one (1) per housing development, indicating only the name of the housing development; not exceeding sixteen (16) square feet in area.
- (3) C-1 and C-2 Commercial Districts. The following types of signs are permitted. In addition to the following, the requirements of Section 10.7 (5) shall be adhered to in the C-1 District.
- (a) Same as for those signs allowed in the Residential Districts.
  - (b) Advertising Sign, Wall Sign, Roof Sign, Portable Sign (less than twenty (20) square feet in area), Pole Sign (less than twenty (20) feet in height) or Marquee Sign. No business establishment shall have a total of more than three (3) signs facing upon any one street, providing the total sign area for all signs permitted shall not exceed fifteen (15) percent of the

- area of the face of the building to which they are attached or stand in front of and set back from the front lot line at least ten (10) feet, except as provided for elsewhere in this ordinance.
- (c) Billboard, where the erection or maintenance of same will not unreasonably affect the proper use of adjoining property, at least twenty (20) feet from any right-of-way line; not exceeding a sign area of ten (10) feet in height and fifteen (15) feet in length, and subject to Board of Appeals approval for periods of up to thirty-six (36) months.
  - (d) Marquee or Canopy, where a building has a canopy or marquee constructed as an integral part of said building for the purpose of administering this Section, the front line of said canopy or marquee shall be construed as being the face of the building.
  - (e) Gasoline Service Stations, used car lots and public garages where permitted only may display, in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective business:
    - 1. One (1) free standing or pylon sign advertising the name of the station or garage and for the principal products sold on the premises, including any special company or brand name, insignia or emblem, provided that each such sign shall not exceed fifty (50) square feet in area on a side and shall be hung within five (5) feet of the property line and not less than ten (10) or more than twenty (20) feet above the ground.
    - 2. One temporary sign located inside the property line and specifically advertising special seasonal servicing of automobiles, provided that said sign does not exceed seven (7) square feet in area.
    - 3. Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words, "washing," "lubrication," "repairs," "mechanic on duty," or other words closely similar in import, provided that there shall be not more than one (1) such sign over each entrance or bay, the letters thereof shall not exceed fifteen (15) inches in height, and the total of each such sign shall not exceed six (6) square feet.
    - 4. Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law and not exceeding a total of three (3) square feet on each pump; and if illuminated, such signs shall be nonflashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
    - 5. A nonilluminated credit card sign not exceeding two (2) square feet in area, and may be placed on or near the gasoline pump.
    - 6. The standards for free-standing pylon signs are identified in 16.09.



(4) Signs in the I-1 and I-2 Districts.

- (a) In any I-1 and I-2 District only the following on-site signs are permitted provided no portion of such sign is located closer to the street lot line than the required front yard setback as specified in Article 15 for the I-1 and I-2 Districts:
1. Any sign permitted in R-1, R-2, R-3, MH, C-1 and C-2 Districts is permitted in the I-1 and I-2 Districts except as modified in this section with regard to setback.
  2. One (1) on-site sign per use facing each lot line subject to the following size limitations.
    - a. The on-site sign facing the front lot line shall not exceed three (3) square feet in area for each lineal foot of lot frontage, or one (1) square foot in area for each lineal foot of lot frontage, whichever is greater.
    - b. The on-site signs facing other than the front lot line shall not exceed fifty (50) percent of three (3) square feet in area for each lineal foot of building length along the respective lot line or fifty (50) percent of one (1) square foot in area for each lineal foot of lot length along the respective lot line, whichever is greater.
- (b) Any sign permitted may be illuminated in accordance with Section 21.8.
- (c) The maximum height of signs as measured from the finished grade in the I-1 and I-2 Districts shall be ten (10) feet.
- (d) The total area of all on-site signs permitted for any property use, including corner lots, shall not exceed seven hundred fifty (750) square feet.
- (e) Off-site signs area permitted in accordance with Section 21.7.
- (f) Signs may be attached to or project from the surface or roof of the building involved or may be erected separately.

(5) Signs located adjacent to the right-of-way of a limited access highway (U.S. 27).

- (a) Signs within 660 feet on either side of right of way the U.S. 27 limited access highway that are intended for advertising targeted to vehicles traveling on U.S. 27 shall be subject to the requirements of the Highway Advertising Act (P.A. 106 of 1972 as amended) The Act does not apply to on-premise identification or advertising signs for a business on the property, directional or official signs, on site "for sale" or "for lease" signs or landmark signs.
- (b) Off- premises advertising signs within 660 feet of the U.S. 27 highway right-of-way and located on a parcel zoned for commercial or industrial use shall meet the following requirements:

1. The maximum area per sign face shall be 300 square feet.
  2. No off-site sign structure shall be located closer than six hundred (600) feet to another off site sing structure, as measured parallel to the highway right-of-way.
  3. The maximum allowable height of a free-standing or pylon sign shall be sixty (60) feet as measured from the finished grade.
  4. The illumination standards of Sec. 21.8 shall be met.
- (c) On-premises signs within 660 feet of the U.S. 27 highway right-of-way shall meet the requirements of Sec. 21.5 (1) through (4).

### **Sec. 21.6. Signs Prohibited**

(1) Signs are prohibited which:

- (a) Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
- (b) Contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words. Traffic directional signs in a private parking area are exempted from this provision.
- (c) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- (d) Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- (e) Contain or consist of banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs other than holiday decorations, or similar devices. Upon site plan review, the City Planning Commission may approve specific modifications of this provision.
- (f) Are freestanding exterior signs and are not anchored or secured to a building or the ground.
- (g) Are a part of a structure designed to be moved from one location to another with a change in message.

### **Sec. 21.7. Off-Site Signs**

- (1) Off-site signs shall be allowed only in the C-2 District and adjacent to the U.S. 27 Limited Access Highway [see Section 21.5 (5)].
- (2) The maximum area per sign face of an off-site sign shall not exceed:

- (a) One hundred (100) square feet if the sign is located within a C-2 District.
- (3) Off-site signs shall not be located in any required yard area.
- (4) No off-site sign structure shall be closer than three hundred (300) feet to another off-site sign structure.
- (5) Off-site signs shall comply with the height limitations of this Article for the respective zoning districts in which the signs are located.

**Sec. 21.8 Illumination**

There shall be no flashing, oscillating, or intermittent, red, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light therefrom from being cast upon adjoining residences and shall be located at least one hundred fifty (150) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

**Sec. 21.9. Free-Standing Pylon Signs**

In the C-2, I-1 and I-2 Districts any permitted use may erect one free-standing pylon sign provided all of the following conditions are met.

- (1) The principal building sets back at least twenty-five (25) feet more than the district setback requirement and is located on a lot of ninety (90) feet or more in width.
- (2) The total area of one side of such pylon or free-standing sign shall be at a ratio of two (2) square feet for each linear foot of setback of the building beyond the District setback requirement, in no case exceeding one hundred fifty (150) square feet.
- (3) The sign structure shall be located not closer than seven (7) feet to the front street right-of-way and at least forty (40) feet from any adjacent property, except for uses regulated under 21.5(3)(e).
- (4) The sign background shall not be higher than the principal building nor closer than ten (10) feet to grade level.
- (5) The sign structure shall not exceed 50 feet in height as measured from the finished grade.

**Sec. 21.10 Nonconforming Signs**

- (1) Signs lawfully erected prior to the effective date of this Article which do not meet the standards thereof may be maintained except as hereafter provided.
- (2) No nonconforming signs:
  - (a) Shall be changed to another nonconforming sign.

- (b) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message.
  - (c) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.
- (3) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.

**Sec. 21.11. Signs for Nonconforming Uses**

- (1) On-site signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:
- (a) One-half (1/2) square foot of sign area for each lineal foot of building frontage or one-fourth (1/4) square foot of sign area for each lineal foot of lot frontage whichever is greater, not to exceed a maximum of twenty-five (25) square feet in area; or,
  - (b) The maximum sign area permitted for the zoning district in which the sign is located.
- (2) Off-site signs shall comply with all the provisions of the district in which the nonconforming use is located.

**Sec. 21.12. Construction and Maintenance**

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No advertising sign or billboard permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the City Zoning Administrator and from the Building Inspector.

**Sec. 21.13. Violations and Removal Thereof**

- (1) Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- (2) Upon discovery of a violation of this Article the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the City Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.

- (3) The Zoning Administrator or his representative shall also post a copy of such notice upon the violative sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- (4) If the violative sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violative sign is erected and to the owner of premises upon which the sign is erected to appear at a hearing before a hearing officer and to show cause why the sign should not be considered to be in violation of this Article. Notice shall be provided in the same manner as in B. and C. above. The hearing shall not be less than ten (10) days from the posting of the notice.
- (5) The hearing officer shall determine whether the sign involved is in violation of the ordinance based on competent evidence and testimony. Section 2-106 of Chapter 2-1 of the Uniform Building Code, as amended, shall govern the appointment of the hearing officer and the conduct of the hearing except as modified herein.
- (6) If the hearing officer determines that the sign involved is in violation of this Article he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the hearing officer shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- (7) If the decision and order provided for in F. above are not complied with in the specified time, the hearing officer may cause the violative sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- (8) Nothing in this Section shall prevent the Zoning Administrator or Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

**Sec. 21.14. Board of Appeals**

The Board of Appeals may, upon application by a property owner, modify the specifications of this Article where no good purpose would be served by strict compliance with same.

**Sec. 21.15. Directional Signs**

All directional signs for orientation of the general public, when erected by the city, county or state, shall be permitted in all Districts.

## Article 22

### Landscaping

#### Sec. 22.1. Purpose

To ensure a high level of quality in the built environment and secure compatible relations between land use activities and to improve the appearance of the community within developing residential, business and industrial areas, this Article sets forth landscaping requirements that are to be used in conjunction with other sections of the Ordinance as applicable.

#### Sec. 22.2. General

- (1) Landscaping and screening as provided in this section shall be required on the site in the following cases:
  - (a) Whenever a building permit is required for the erection of a main building or structure other than a one-family residential dwelling, duplex, or related accessory building.
  - (b) Whenever a building permit is required for a structural alteration, addition or repair to single or combined buildings that do not exceed ten thousand (10,000) square feet on a site when the estimated expense of such construction exceeds fifty (50) percent of the appraised replacement cost of the entire building(s) or structure(s), exclusive of foundation, prior to its improvement (as determined by the Building and Zoning Administrator). For structural alteration, addition or repair to a building or combined buildings exceeding ten thousand (10,000) square feet, on a site, landscaping and screening shall be provided when the estimated expense of such construction exceeds thirty (30) percent of the appraised replacement cost of the building(s) or structure(s).

#### Sec. 22.3 Parking Lot Landscaping and Screening

Parking lots shall have the following perimeter landscaping and screening:

- (1) Parking lots, or parts thereof, that are adjacent to and visible from a public right-of-way, must include the following perimeter landscaping between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across from a public alley):
  - (a) A landscaped green strip at least ten (10) feet in width.
  - (b) One tree for every thirty (30) feet or fraction thereof of street frontage of the parking lot.
  - (c) A hedge or similar natural landscape forming a continuous screen at least thirty-six (36) inches above the street grade, and located to provide maximum screening of the parking lot. Relocation of the hedge, or natural landscaping may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers.

- (2) Parking lots of greater than ten thousand (10,000) square feet, in addition to subsection (1) above, must meet the following interior landscaping requirements:
  - (a) Within the interior of the parking lots there shall be one square foot of landscaped area for each fifteen (15) square feet of the parking lot. In computing the lot area for this subsection, the paved area within twenty (20) feet of the perimeter landscaping may be excluded.
  - (b) Each interior landscaped area shall encompass at least one hundred fifty (150) square feet.
  - (c) The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.
  - (d) There shall be at least one deciduous tree for each one hundred fifty (150) square feet, or fraction thereof, of interior landscaped area. Each tree shall be provided with an open land area of not less than seventy-five (75) square feet in each interior landscaped area with a minimum open space area of four (4) feet around the tree trunk.
- (3) Except as provided in subsection (5) below, a parking lot, office, business use or any combination thereof abutting to a public park facility or land principally used or zoned for residential purposes must be separated by screening between it and all abutting areas of such park or residential land or use. In addition to the above screening, there shall be required a landscaped green strip of at least ten (10) feet in width and one tree for each thirty (30) feet, or fraction thereof of land adjacent to the parking lot and use.
- (4) An industrial or research park or combination thereof abutting a public park facility or land principally used or zoned for residential purposes must have as separation screening an earth berm with a minimum height of eight (8) feet. The berm shall meet the requirements of Section 22.5 in regards to slope and erosion control. The berm shall also be planted to present a landscape appearance.
- (5) An office or business use or combination thereof with a minimum zoning lot area of three (3) acres or more abutting a public park or land principally used or zoned for residential purposes shall have as separation screening an earth berm with a minimum height of six (6) feet. The berm shall meet the requirements of Section [22.5 (10)] in regards to slope and erosion control. The berm shall also be planted to present a landscape appearance.
- (6) For purposes of (4) and (5) above, the Planning Commission may approve screening consisting of existing vegetation, planted vegetation and topographical characteristics of the land or a combination thereof if it provides an opaque screen of a height of at least six (6) feet from the ground. The Planning Commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses. The Planning Commission in approving the use of existing topographical characteristics of the land or existing and/or planned vegetation may condition

approval on the planting of new vegetation in the number, size and type to satisfy the intent and purpose of this section.

- (7) The Planning Commission may increase the height of the separation screening and/or require additional landscaping as part of site plan review under Section 16.6, or site condominium review under Section 19.6, if the minimum requirements of this Section would not adequately protect existing or future abutting residential uses. In deciding whether these requirements of protect abutting residential uses the Planning Commission may consider factors which include, but are not limited to the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.

#### **Sec. 22.4. Refuse Containers**

Refuse containers for other than single and two-family uses shall be screened from view from any public right-of-way or adjacent residential use or residential zone. Screening shall consist of a solid wall or fence or live landscape material at least six (6) feet high.

#### **Sec. 22.5. Materials Standards**

Materials used to comply with this Article must meet the following standards:

- (1) No artificial plants or trees may be used. All plant materials must be maintained in a healthy and growing condition. All fences and walls must be maintained so as to ensure the continuity of the fence and/or wall. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.
- (2) Where plant material is used for screening, it shall be composed of at least fifty (50) percent evergreens. Plant materials shall be of a size, quantity and spacing to achieve seventy (70) percent year-round opacity within three (3) years.
- (3) Where a fence is used in conjunction with landscaping, with the exception of walls abutting a public right-of-way, it shall be set adjacent to and within one foot of the property line except where natural features prevent the use of the property line or where underground utilities interfere. Such fence shall be an opaque structure with a footing depth of forty-two (42) inches with the footings comprised of pressure-treated or decay resistant wood. Vertical and horizontal members that support the fence shall be concealed within the fence or be exposed only on the nonresidential side of such fence.
- (4) Whenever a fence is required, deciduous trees shall be planted in the ground adjacent to the fence.
- (5) Perimeter landscaped areas adjacent to a public right-of-way shall be covered with grass or ground cover. When grass or ground cover is used, it shall be planted and maintained to present a finished landscaped appearance within one growing season. Interior landscaped areas shall be covered with grass, ground cover, adequately prepared and weed retardant stone beds or bark or wood chip mulch.



- (6) When required by this section, deciduous trees shall have a mature crown spread of greater than fifteen (15) feet. Permitted trees include Norway Maples, Oaks, Lindens, Ashes, London Planes, Honey Locust, Beech, and also other types of trees with City approval. They do not include Catalpa, Elms, Horse Chestnuts, Silver Maples, Poplar, Willow or Box Elder. At planting, trees must have a minimum caliper of two and one-half (2½) inches at six (6) inches above the root ball, a burlap ball size of at least ten (10) times the caliper size, and a clear stem of at least four (4) feet.
- (7) When required by this section, evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three (3) feet, and a burlap ball size of at least ten (10) times the caliper size.
- (8) Existing vegetation on the property may be used to meet the requirements of this section if it meets the size, species and opacity requirements.
- (9) Berms shall have slopes no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least two (2) feet of flat area on top and shall have adequate protection to prevent erosion.
- (10) Landscaped areas within the interior of the parking lot shall be protected by concrete curbing.

**Sec. 22.6. Landscaping Plan**

A landscaping plan must be submitted to the Planning Commission showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms with this section. If it conforms to the requirements of this Article, it shall be approved by the Planning Commission. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions, or other dangers to public safety. The landscaping plan will be made part of the site plan required by Articles 16 or 19, whichever is applicable.

## Article 23

# Wellhead Protection Zone

### Sec. 23.1. Purpose

The intent of the Wellhead Protection Overlay Zone is to provide supplemental development regulation in the designated wellhead protection area so as to permanently protect the City of St. Louis's drinking water source from long-term contamination originating from land use activities on the earth's surface. Due to the vulnerability of groundwater to contamination, the need for public health protection, and the significant public investment in the municipal water supply system, these regulations contain protective measures which do not apply to other areas of the community. The requirement and restrictions defined in this Article shall be applied as additional requirements and restrictions to the standards identified in this Ordinance for the applicable underlying zoning district(s) within the designated wellhead protection area.

### Sec. 23.2. Definitions

As used in this Article and unless the context clearly indicates otherwise:

- (1) Overlay Zone that area of the City in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifer(s) supplying the City's municipal water wells. The overlay zone is described by an opaque map representing the wellhead protection area superimposed on the City's official zoning map.
- (2) Discharge means, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by lawful statute or regulation which occurs and which affects surface and groundwater.
- (3) Wellhead Protection Area means the surface and subsurface area surrounding a public water supply well through which contaminants, if spilled or deposited, will most likely pass and eventually reach the well or wellfield. This area is also known as the zone of contribution (ZOC).

### Sec. 23.3 Location of Wellhead Protection Areas

The City of St. Louis wellhead protection area is that area whose boundaries are defined by a hydrogeologic investigation delineating the characteristics of the aquifer(s) supplying the City's municipal water wells. The wellhead protection area shall be visually identified by an overlay zone on the City's official zoning map.

### Sec. 23.4. Application to Land Use Activities

The requirements of this Article apply to any person, firm, or corporation within the wellhead protection overlay zone when new or expanded land uses are proposed.

**Sec. 23.5. Special Land Use Permit Required**

No land uses within the wellhead protection overlay zone subject to regulation under this Ordinance shall be constructed or expanded unless a special use permit has been granted by the Planning Commission.

**Sec. 23.6. Wellhead Protection Area Map**

The wellhead protection overlay zone shall be mapped and the land area where water infiltrates into the soils and reaches groundwater used by the public water supply wells shall be delineated. The wellhead protection overlay zone map shall indicate the criteria and methods used to prepare the map and shall be periodically reviewed. The wellhead protection overlay zone map shall be incorporated into this Ordinance upon completion of the hydrogeologic investigation by a professional hydrogeologist delineating the area, flow, depth and characteristics of the aquifer(s) supplying the City's municipal water wells.

**Sec. 23.7. Wastewater Treatment System Connections**

All residential, commercial, industrial and public uses within the wellhead protection overlay zone shall be connected to available public wastewater treatment facilities.

**Sec. 23.8. Site Plan Review Requirements**

All land uses proposed or expanded within the wellhead protection area shall conform to the permitted uses or uses allowed by special permit for the applicable underlying zone, and shall meet the Special Land Use site plan review standards specified in Articles 16 and 17. All land uses and activities existing within the wellhead protection area prior to the approval of the City's Wellhead Protection Plan by the appropriate state agency must conform to the Special Land Use site plan review standards in this Article within 180 days after approval of the Wellhead Protection Plan.

**Sec. 23.9. Data Submission Requirements**

Data required for special land use review purposes for all proposed uses in the wellhead protection area includes the following:

- (1) Listing of types and quantities of hazardous substances which will be used or stored on-site at the facility in quantities greater than twenty-five (25) gallons per month.
- (2) Completion of the "Hazardous Substances Reporting Form," as provided by the Zoning Administrator.
- (3) Location of existing and proposed service facilities and structures, above and below ground, including:
  - (a) General location of the site within the wellhead protection area.

- (b) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances, including interior and exterior areas.
  - (c) Underground storage tank locations.
  - (d) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- (4) Location of existing wetlands and watercourses, including ponds and streams on or within one-fourth ( $\frac{1}{4}$ ) mile of the site.
  - (5) Soil characteristics of the site, at least to the detail provided by the U.S. Soil Conservation Service.
  - (6) Existing topography, with a maximum contour interval of two (2) feet indicated.
  - (7) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
  - (8) An affidavit stating that any existing commercial, industrial, or public utility facility is in compliance with county, state and federal regulations.
  - (8) A county/state environmental permit checklist, indicating the types of environmental permits and approvals which may be needed for the proposed project.

**Sec. 23.10. Standards for Special Land Uses**

All projects proposed for special land use approval within the wellhead protection area shall meet the following minimum standards, in addition to the applicable standards in Article 16 and General Provisions of Article 17.

- (1) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, streams, or wetlands.
- (2) Secondary containment of hazardous substances shall be provided for areas where such substances are stored or used. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (3) General purpose floor drains shall be approved for connection to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- (4) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met, including but not limited to the following:

- (a) A Michigan Groundwater Discharge Permit shall be required for any discharge to groundwater.
  - (b) A Pollution Incident Prevention Plan shall be prepared for facilities which store any quantity of materials listed on the Michigan Critical Materials list.
- (5) Commercial or industrial land uses shall have specially-designed storm water facilities in areas where hazardous substance spills may occur. Such facilities shall be designed to:
- (a) Prevent the comingling of storm water runoff and hazardous substances;
  - (b) Enhance spill cleanup; and
  - (c) Meet all county, state and federal agency requirements.
- (6) Run-off collection systems for roads and parking lots shall be able to control at least the first inch of rainwater.
- (7) All guidelines and requirements of federal, state, the county and local agencies specified in the state-approved wellhead protection plan for the City of St. Louis.

**Sec. 23.11. Maintenance Plan Required**

All special land uses proposed for the wellhead protection area shall have an approved maintenance plan recorded with the County Register of Deeds. The maintenance plan may include standards and operational requirements related to:

- (1) The application rate and timing of lawn fertilizers.
- (2) The repair and reconstruction of secondary containment dikes and other spill protection measures.
- (3) The application of de-icing chemicals to road surfaces and parking lots.
- (4) Maintenance of storm water management facilities located on-site.

**Sec. 23.12. Administrative Review Fees**

All applicants for special use permits in the Wellhead Protection Overlay District shall pay an administrative fee sufficient to cover the expense of reviewing and approving the proposal, including, but not limited to, the cost of planning and engineering site reviews. Such fee shall be set by City Council.

## **Article 24**

# **Procedures for Obtaining a Zoning Permit/Requesting a Change in Zoning**

### **Sec. 24.1. Purpose**

All excavation for, or construction of any building, structure or parking area, or structural changes in any existing building or structure requires a zoning permit issued from the Zoning Administrator. In instances where a use on property located within a particular district is not identified as a permitted use or as a use allowed by special permit within that district, an eligible applicant may request a change in the zoning of that property to a zoning district where that use is permitted by right or allowed by special permit. An option to a request to rezone a particular property is to request an amendment to the Ordinance text to include that specified use or uses within a particular district. For property development beyond single or two family homes, accessory and subordinate buildings that do not require new access to public roads, the expansion or remodeling of existing structures, and additional structures similar to existing structures on a site (if all of the above comply with all zoning ordinance requirements), a site plan review will be required to ensure that the development or improvements do not produce health, safety or protection hazards.

### **Sec. 24.2 Zoning Permits**

#### **(1) Conditions under Which Required**

No person shall commence excavation for, or construction of, any building, structure, or parking area, or make structural changes in any existing building or structure, without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure, until an application has been submitted, in accordance with provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance. An extension of a zoning permit shall be allowed by authorization of the Zoning Administrator, after reasonable cause for an extension is shown by the applicant. No more than one extension, not to exceed a six (6) month period, may be allowed.

#### **(2) Permit Requirements**

Every application for a permit shall designate the existing or intended use of the structure or premises or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by one ink, blueprint, or photostat copy of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used and exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator.

**Sec. 24.3. District Changes and Section Amendments**

- (1) In accordance with the provisions of Act 285 of the Public Acts of 1931, as amended, the City Clerk may from time to time amend, or change by ordinance, the number, shape, or area of districts established on the zoning map or the regulations set forth in this section. However, no amendment or change shall become effective unless the ordinance proposing the amendment or change shall first be submitted to the Planning Commission for approval, disapproval, or suggestions, and the Planning Commission shall have been allowed a reasonable time, not less than thirty (30) days, for consideration and report.
- (2) Any person or persons desiring a change in the zoning ordinance text or map shall make application to the Zoning Administrator. In case of a zoning ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for the change. In case of a desired zoning map change a petition shall be submitted which shall describe the property involved, the zone change desired, and the reason for the change. With either type of request there shall be an accompanying remittance of as a fee to cover costs encountered in conducting a public hearing, as set by the City Council.
- (3) The Zoning Administration shall refer all applications, for either a change in the zoning ordinance text or zoning map, to the Planning Commission. Before submitting its recommendations and report to the City Council, the Planning Commission shall conduct a public hearing on the proposed amendment or change after publishing a notice of the hearing at least fifteen (15) days prior to the date of the hearing, by publication in an official paper or a paper of general circulation in the municipality, and by sending a copy of the notice by United States Mail to each public utility company and railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the City Clerk for the purposes of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted a person interested at the time and place specified on the notice. All public notices, including publication in the newspaper and letter, shall state the time and place of hearing, the proposed amendment, and the property to be affected in case of a proposed amendment, and/or map change. It is the intention of this section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the City Council proposing to make a change in the zoning map or the regulations set forth in this section.
- (4) After receiving the recommendations and report from the Planning Commission, the City Council may deny the request or enact an amendment to the zoning ordinance, or zoning map. However, upon presentation of a protest petition meeting the requirements of this section, an amendment to the zoning ordinance which is the object of the petition shall be passed only by a two-third vote of the City Council. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by one of the following groups of people:
  - (a) The owners of at least twenty (20) percent of the area of land included in the proposed change.

- (b) The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
  - (c) Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.
- (5) Following adoption of a zoning ordinance and subsequent amendments by the City Council, one notice of adoption shall be published in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information.
- (a) In the case of amendment to an existing ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
  - (b) The effective date of the ordinance.
  - (c) The place of and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to the city zoning ordinance supersede charter provisions relating to the filing and publication of city ordinances.

#### **Sec. 24.4 Public Nuisance, Per Se**

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

#### **Sec. 24.5. Building Permits**

A building permit may be requested from the City of St. Louis Building and Zoning Official by an owner, or owner's agent, after a zoning permit for the subject property is obtained.

#### **Sec. 24.6 Duties of the Zoning Administrator**

This ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any permit of compliance with this Zoning Ordinance where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this Ordinance except under written order of the board or the governing body.

- (1) **Violations:** The Zoning Administrator shall investigate any alleged violation of the zoning ordinance coming to his attention, whether by complaint or arising from his personal knowledge. If a violation is found to exist, he shall serve notice upon the owner to cease said violation. If said owner fails to act diligently to correct said violation after fourteen (14) days of said notification, the Zoning Administrator shall serve notice upon the owner, notify the governing body and prosecute a complaint to terminate said violation before the municipal magistrate. [A court of competent jurisdiction]



- (2) **Inspections:** The Zoning Administrator shall also make periodic inspections of the City to ascertain that the requirements of this Ordinance are being complied with.
- (3) **Records:** The Zoning Administrator shall keep records of all inspections, applications and permits issued with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one (1) family houses and of all fees submitted with applications. The same shall form a part of the records of his office and shall be available to the governing body and all other officials of the City.

#### **Sec. 24.7. Certificate of Occupancy**

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector stating that the premises or building complies with all provisions of the approved plans and all ordinances of the City. The certificate of occupancy shall be granted or denied within ten (10) days from the date written application therefore has been received by the building inspector. Where any special use conditions are applicable, said conditions shall be stated on the certificate of occupancy.

A record of all certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished upon request to any person having a proprietary or leasehold interest in the building or land affected.

Where a building permit is not involved, a fee to be fixed from time to time by resolution of the City Council shall be charged for each original certificate and for each copy thereof. A schedule of permit fees shall be available at the office of the city building inspector and the city clerk. A copy of the occupancy certificate shall be sent to the city clerk and the city assessor by the building inspector.

#### **Sec. 24.8. Violation and Penalty**

Any owner or agent, and any person or corporation who shall violate Any of the provisions of this ordinance or fail to comply therewith or with Any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or remove Any building or buildings or Any structure, or who shall put into use Any lot or land in violation of Any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect Any premises, shall be liable to a fine of not more than one hundred dollars (\$100.00) or to imprisonment for not more than ninety (90) days, or to both the fines and imprisonment. Each and every day the violation continues shall be deemed a separate and distinct violation.

The owner of Any building or structure, lot or land or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and Any architect, building contractor, agent, person or corporation employed in connection therewith and who assists in the commission of the violation shall each be guilty of a separate violation and upon conviction thereof, shall each be liable to the fine or imprisonment, or both, specified in this section.

#### **Sec. 24.9. Penalty for Violation**

In the event that the building inspector shall have reasonable cause to believe that Any person, firm or corporation shall have violated Any provisions of the Zoning Ordinance, the penalty for which does not exceed ninety (90) days in jail and a fine of five hundred dollars (\$500.00), he may issue to the person,

firm or corporation an appearance ticket directing the designated violator to appear to a designated local criminal court at a designated future time in connection with the alleged violation. All proceedings in connection with the issuance of the appearance ticket shall be in accordance with the provisions of Act 366 of the Public Acts of 1984.

**Sec. 24.10. Rights and Remedies Are Cumulative**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

# Article 25

## Board of Appeals

### **Sec. 25.1 Membership and Appointment**

Pursuant to Michigan Revised Statutes, there shall be a board of appeals consisting of five (5) members, each to be appointed for a term of three (3) years running from January 1 of the year appointed. Vacancies shall be filled by appointment for the unexpired term. The board shall elect its own chairman, vice chairman and secretary from its membership.

### **Sec. 25.2. Board of Appeals Now Established**

The board of appeals already established shall continue to function under the provisions of this ordinance, and the members thereof may continue in office until their respective terms expire.

### **Sec. 25.3. General Grant or Power**

The board of appeals shall perform all the duties and have all the powers prescribed by the Revised Statutes of Michigan, and the amendments thereto and supplements thereto and herein more particularly provided.

It shall adopt the rules of procedure, not inconsistent with the provisions of the Revised Statutes of Michigan and local ordinances, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

### **Sec. 25.4. Employees**

The board may employ the clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount of the appropriation made and then available for that purpose.

### **Sec. 25.5. Meetings**

Meetings of the board shall be held at the call of the chairman and at other times as the board may determine and shall be at sufficiently frequent intervals, in the discretion of the board, for the efficient conduct of its business. All meetings shall be open to the public. A quorum shall consist of three (3) members.

### **Sec. 25.6. Appeals**

Appeals to the board of appeals in any matter over which it may have jurisdiction may be taken by any party aggrieved by the decision or order appealed from, or by any officer, department, board or agency of the city affected by the decision or order. A notice of appeal, specifying the grounds thereof, shall be filed with the clerk of the board within thirty (30) days after the date of the action appealed from. A copy of the

notice of appeals shall promptly be served upon the officer from whom the appeal is taken, who shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action in respect to which the decision or order appealed from was made, unless the officer from whom the appeal is taken certifies to the board that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order granted by the board of appeals or by the circuit court on application of notice to the officer from whom the appeal is taken and on due cause shown.

#### **Sec. 25.7. Variances**

Subject to the provisions of Section 25.8 of this ordinance, and in addition to other duties and powers specified herein, the board, after public hearing, shall have the power to decide applications for variances:

- (1) Where it is alleged by the applicant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the building inspector or other administrative office of the city in the carrying out or enforcement of the provisions of this ordinance, or
- (2) Where it is alleged by the applicant that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property on the effective date of this ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of the land, building or structure or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties or would cause undue hardship, provided that the board shall not grant a variance on a lot of less area than the requirements of its zone district, even though the lot existed at the time of passage of this ordinance, if the owner or members of his immediate family owned adjacent land which could, without undue hardship, be included as part of the lot, or
- (3) Where it is alleged by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance relating to the construction, structural changes in equipment or alterations or buildings or structures or the use of land, buildings or structures, so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done, or
- (4) Where the condition or situation of the specific property or the specific intended use of the property is not of general or recurrent nature as to make the formulation of general regulations in this ordinance practical.

#### **Sec. 25.8. Variances Prohibited**

No variance in the provisions of this ordinance shall be authorized unless the board finds from reasonable evidence that the variance will not be detrimental to adjacent property and the surrounding neighborhood, will not impair the intent and purpose of this ordinance and that at least two (2) of the following conditions are found to exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that proposed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- (3) That the condition or situation of the specific piece of property or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the conditions or situation.

### **Sec. 25.9. Land Use Variance**

Upon an appeal for a land use variance for a use not regulated by this ordinance or for a use not permitted within a zone the board shall forward the request to the city plan commission for study and report. The board shall not schedule a hearing on the appeal earlier than two (2) weeks after the next regularly scheduled meeting of the city plan commission. No decision shall be made by the board until the report of the plan commission is received. The board shall not approve a land use variance upon an unfavorable report from the plan commission, except by a concurring vote of four (4) members, any other provision of this ordinance notwithstanding. The provisions of Section 25.8 shall also be complied with. In approving an appeal the board may impose requirements it deems necessary to carry out the intent of this ordinance and to protect surrounding properties.

### **Sec. 25.10. Special Exceptions**

The board of appeals, after public hearing, shall have the power to grant the special exceptions heretofore authorized and in addition, may authorize the following:

- (1) The vertical extension of a building existing at the time of enactment of this ordinance to the height as the original drawings of said building indicated, where the building was actually designed and constructed to carry the additional stories necessary for said height limit;
- (2) Permit the erection or structural alteration, in a district where the use is permitted, of a grain elevator, gas holder, or other industrial structure, to a height over the limit specified for the district;
- (3) Permit the construction of a dwelling of not less than seven hundred fifty (750) square feet in any residential district provided the board finds:
  - (a) That both sides of the streets in the immediate block are at least seventy-five (75) percent developed;
  - (b) That the construction of the dwelling will not be substantially different in character with existing dwellings on both sides of the street in the immediate block.

**Sec. 25.11. Conditions of Approval**

In authorizing a variance or exception, the board may in addition to the specified conditions of approval called for in this ordinance, attach thereto other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this ordinance and the protection of the public health, safety and welfare.

**Sec. 25.12. Public Hearing**

Upon the filing of any appeal as hereinafter provided, or other application in any matter or proceeding over which the board of appeals shall have jurisdiction by law or ordinance, the board shall hold a hearing on the appeal or application at its next meeting to be held not less than fifteen (15) days after the date of the filing, and shall cause notice of the time and place of the hearing to be given to the appellant or applicant and a similar notice, stating the purpose of the hearing to be published in the official newspaper of the City. The appellant or applicant shall give personal notice of the time, place and purpose of the hearing within the time required by law, to all owners of property situated within or without the City and within three hundred (300) feet of the property to be affected by said appeal or application. The notice shall be given either by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode, if said owners are the occupants of the property affected by the appeal or application or are residents of the city. Whenever said owners are nonresidents of the city, the notice may be given by sending written notice thereof by registered mail to the last known address of the property owner or owners, as shown by the most recent tax list of the city. Where ownership is in more than one (1) person, a partnership, a corporation, an infant or a trust, service upon any one (1) of the owners or partners, an officer or registered agent of the corporation, the guardian or parent of the infant, or the trustee of the trust, as the case may be, as above set forth, shall be sufficient. The appellant or applicant shall by affidavit present satisfactory proof of the board at the time of the hearing that said notices have been duly served as aforesaid. At the hearing any party may appear in person or by attorney or by agent.

**Sec. 25.13. Decisions**

The board shall render its decision upon the appeal or application within sixty (60) days after the hearing thereon, and in any event, within ninety (90) days after the date of filing of the appeal or application, and upon failure to do so, the appeal or application shall thereupon be deemed to be decided adversely to the appellant or applicant in the same manner as though the board had rendered its decision to that effect.

**Sec. 25.14. Fees**

Upon the filing of any appeal or application to the board of appeals by any person other than an officer, department, board or agency of the city, the appellant or applicant shall pay a filing fee to defray the cost of publishing notice of the appeal or application and the board's decision thereon, of hearing and recording the matter. The fee shall be fixed from time to time by resolution of the city council. A fee schedule shall be available at the office of the city building inspector and the city clerk.

The cost of taking the testimony stenographically and of transcribing the same shall be borne and paid for by the appellant or applicant, and the board may require the deposit to be made for the purpose as shall be reasonable in the circumstances.

**Sec. 25.15. Time Limit**

If the variance is granted or the issuance of a permit is finally approved or other action by the appellant or applicant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after the date when the variance is finally granted or the issuance of the permit is finally approved or the other action by the appellant or applicant is authorized; and the structure, building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause, the board may, upon application in writing stating the reasons therefore, extend either the three (3) months or the twelve (12) months period.

Should the appellant or applicant fail to obtain the necessary permit or permits within the three (3) month period, or having obtained the same should he fail to commence work thereunder within the three (3) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn and abandoned his appeal or his application and all permissions, permits and variances to him granted, and the permissions, permits and variances to him granted shall be deemed automatically rescinded by said board of appeals.

Should the appellant or applicant commence construction or alteration within said three (3) months period, but should he fail to complete the construction or alteration within said twelve (12) months period, the board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits, or other action authorized to the appellant or applicant, if the board finds that no good cause appears for the failure to complete within the twelve (12) month period and if the board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action that revocation or rescission of the action is justified.

**Sec. 25.16. Vote Necessary for Decision**

The final disposition of any matter by the board shall require the concurring vote of three (3) of its members.

**Sec. 25.17. Minutes and Records**

The secretary shall keep minutes of the board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the board's examinations and official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

## **Article 26**

### **Miscellaneous Provisions**

#### **Sec. 26.1. Savings Clause**

This ordinance shall not effect any pending litigation, civil or criminal, founded or growing out of any ordinance or resolution, order or permit, and shall not affect any rights, claims, privileges, immunities or causes of action of the City, or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, permit, order, or policy repealed by this Ordinance.

#### **Sec. 26.2. Validity and Severability**

It is the intent of the City Council in adopting this Ordinance that all provisions shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the City and other persons affected by this Ordinance. Should any provision of this Ordinance be held to be unconstitutional, invalid, or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the City that such remaining provisions of this Ordinance shall stand and remain in effect notwithstanding the invalidity of any other provisions.

#### **Sec. 26.3. Effective Date**

This Ordinance shall take effect thirty (30) days after publication.

#### **Sec. 26.4. Administrative Officials**

Except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises, and the issuing of permits.



## **Article 27**

### **“T” Transitional Zoning District**

#### **Sec. 27.1. Purpose**

The “T” Transitional District is intended to permit a harmonious mix of residential, commercial and office uses to maintain and enhance the residential character of the district. The reuse of existing structures shall be encouraged. Non-residential uses shall be consistent in size, scale and character with the surrounding neighborhood.

#### **Sec. 27.2 Permitted Uses**

The following uses of buildings and premises are permitted by right:

- (1) One single-family residence on each lot, used as one dwelling unit.
- (2) Accessory uses that are customarily incidental to any principal use permitted to the extent that such accessory uses do not constitute, create or increase a nuisance for adjoining or nearby premises.
- (3) Off-street parking (see Article 21).

#### **Sec. 27.3 Uses Allowed by Special Permit**

The following special land uses are permitted in the “T” Transitional District, subject to the requirements of Section 17.3:

- (1) Neighborhood level commercial businesses.
- (2) Restaurants.
- (3) One (1) residential apartment on the upper floor(s) of a building utilized for a use permitted in
- (4) Bed and breakfast operations [see Section 17.3(9)].

#### **Sec. 27.4 Prohibited Uses**

Within any “T” District no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any of the following prohibited uses.

- (1) Any use which incorporated outdoor display or storage, including but not limited to, automobile sales, gasoline stations and equipment rental.

- (2) Any use which has a drive-through or drive-in window.
- (3) Any use not similar to those permitted by right or special use in Section 27.2 and 27.3.
- (4) Tattoo parlors and similar personal service establishments.

### **Sec. 27.5 Required Conditions**

The following conditions are required:

- (1) All business and service shall be conducted within the confines of a building except off-street parking and off-street loading.
- (2) Off-street parking as required in Article 20 except as modified in Section 22.3. The Planning Commission may modify or reduce the off-street parking space requirements for the site if it can be adequately demonstrated by the applicant that the parking space requirements shall be met through off-site parking areas within three hundred (300) feet of the property.
- (3) Signs shall meet the requirements of Article 21 in addition to the following:
  - (a) Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.
  - (b) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
  - (c) Residential uses in "T" Transitional District shall meet the sign requirements of the R-1, R-2, and R-3 Residential Districts. Non-residential uses in the "T" Transitional District shall be permitted the following:
    1. One (1) on-premises advertising sign, not exceeding fifteen (15) square feet in area and set back at least ten (10) feet from the front lot line. If the sign is a wall sign, it shall be mounted parallel to the wall. If the sign is a ground-mounted sign, it shall be no higher than six (6) feet in height.
    2. One (1) historical marker up to six (6) square feet in size, if the structure is a historic structure and listed on the National or State Register of Historic Places.
- (4) Site plan review and approval must be obtained for all new construction and uses requiring new parking areas or additions to parking areas, in accordance with the provisions of Article 16 and Article 20.
- (5) For non-residential uses, all areas of trash storage and disposal must be screened by a six (6) foot opaque screen or fence or solid block or brick wall, but in no case less than six (6) inches in height over the top of the trash or dumpster.

**Sec. 27.6 Height and Area Requirements – (See Article 15-Schedule of Regulations)**

Height and area requirements in the “T” Transitional district shall be equal to the R-2 district.

**Sec. 27.7 Appearance Standards**

The following standards are intended to apply design principles to non-residential buildings in the “T” District. These standards are established to emphasize the importance of the design of the building site, including structures, plantings, signs, street hardware and other objects observed by the public. These standards are to be applied to new construction as well as additions or modifications to existing buildings, or involve a change in use.

(1) Factors for Evaluation

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- (a) Conformance to ordinances and Appearance Standards
- (b) Logic of design
- (c) Exterior space utilization
- (d) Architectural character
- (e) Attractiveness
- (f) Material selection
- (g) Harmony and compatibility
- (h) Circulation-vehicular and pedestrian
- (i) Maintenance aspects

(2) Relationship of Building to Site

- (a) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, where possible, and safe pedestrian movement.
- (b) The height and scale of each building shall be compatible with its site and existing adjoining buildings.
- (c) Newly installed utility services, and service revisions necessitated by interior or exterior alterations, shall be underground.

- (d) To maintain the existing streetscape and neighborhood character, and to ensure a relationship between the building and the street and sidewalk, off-street parking areas shall be located at the side or back of the building where possible.

(3) Relationship of Building and Site to Adjoining Area

- (a) Adaptive reuse of existing buildings shall be encouraged.
- (b) The proposed building or renovation shall be generally compatible with the architectural style of adjoining buildings. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- (c) Attractive landscape design transition to adjoining properties shall be provided.
- (d) Harmony in texture, lines and massing is required.

(4) Building Design

- (a) While architectural style is not restricted, it should be consistent with the historic residential character of existing buildings in the "T" Transitional District.
- (b) Buildings and renovations shall have consistent scale and be in harmonious conformance with permanent neighborhood development.
  - 1. Materials shall be consistent in architectural character with buildings in the surrounding area.
  - 2. Materials shall be selected for suitability to the type of buildings and design in which they are used. Buildings shall have similar materials, or materials which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways or adjacent residential property.
  - 3. Materials shall be of durable quality.
- (d) Building components, such as windows, doors, eaves, and Paracatu, shall have proportional relationships to one another consistent with existing buildings in the neighborhoods.
- (e) Colors shall be harmonious with existing colors in the neighborhood and shall include only compatible accents.
- (f) Mechanical equipment or other utility hardware on the roof, ground or buildings shall be screened from public view and from adjacent properties.
- (g) Miscellaneous structures and street hardware shall be designed to be consistent with the architectural concept of design and landscape.

# Article 28

## Heritage Zoning District

### Sec. 28.1. Purpose

The C3 Heritage Zoning District is intended to provide for the protection, preservation and promotion of the city's historical resources and attributes.

### Sec. 28.2. Permitted Uses

The following uses of buildings and premises, individually or in combination with one other, shall be permitted in the C3 District. The principal uses permitted, subject to site plan approval as provided in Article 16 of this ordinance, are:

- (1) Museums, including retail sales as an accessory use.
- (2) Offices of historical societies and similar non-profit organizations.
- (3) Libraries and other repositories for collections of documents and other items of historical significance.

### Sec. 28.3. Required Conditions

Every use permitted in the C3 district shall comply with each of the following:

- (1) All improvements, including renovations of existing structures, moving of a structure onto a site, and each and every other improvement shall be subject to site plan review. The provisions of Section 16.2(2) which might otherwise exempt renovations from site plan review shall have not application to renovations within the C3 Zoning District.
- (2) The street side lot lines set back on a corner lot shall be 20 feet, and compliance in every other respect to Section 3.7 of this ordinance regarding traffic visibility shall also be required.

### Sec. 28.4. Height and Area Requirements: See Article 15-Schedule of Regulations.

Section 3. SEVERABILITY

Any and all sections, terms, provisions and clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

Section 4. REPEALER

All ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

Roll Call Vote:

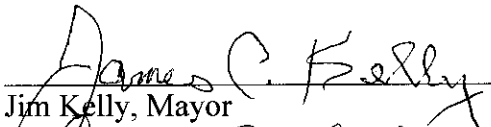
Ayes: Kubin, Shrum, Kelly, Allen, Church  
Nays: None  
Absent: None  
Abstain: None

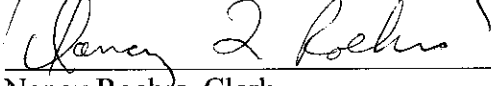
The foregoing ordinance was offered by Council Member Kubin, supported by Council Member Shrum.

Ordinance adopted this 20<sup>th</sup> day of September, 2011.

We, the undersigned, Mayor and Clerk of the City of St. Louis, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. B-216 of the City of St. Louis, Michigan, was introduced at a regular meeting of the City Council, held on August 3, 2011, and thereafter passed at a regular meeting on September 20, 2011, at least two weeks elapsing between the introduction and the enactment.

Dated this 20<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
Jim Kelly, Mayor

  
\_\_\_\_\_  
Nancy Roehrs, Clerk