

TITLE IV
ST. ROBERT CODE OF ORDINANCES

LAND DEVELOPMENT REGULATIONS
OF THE CITY OF ST. ROBERT, MISSOURI

A UNIFIED LAND DEVELOPMENT REGULATION
COMBINING A ZONING ORDINANCE AND SUBDIVISION REGULATION

(Effective Date: August 7, 1989)

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CHAPTER 400 GENERAL PROVISIONS

SECTION 400.001 Short Title.

This Regulation shall be known, referred to, and cited as, the “Land Development Regulations” of the City of St. Robert, Missouri. The guidelines and requirements set forth in the subsequent chapters of this Regulation shall govern all zoning and subdivision matters within the corporate City limits of St. Robert.

SECTION 400.003 Authority.

- A. This Regulation is adopted pursuant to the authority granted by the zoning and planning enabling statutes delineated in Chapter 89 of the Revised Statutes of Missouri. Whenever any provision of this Regulation refers to or cites a section of the Revised Statutes of Missouri, and that section is later amended or superseded, the provision of this Regulation shall therefore be deemed to be amended as well.
- B. All persons are hereby notified of the existence of the comprehensive plan of the city, and all amendments thereto that have heretofore or may hereafter be adopted, and of any sites or areas within any proposed subdivision that may be designated on the comprehensive plan, or such amendments as sites or areas for possible acquisition by condemnation or purchase by the city for public uses and purposes.

SECTION 400.005 Effective Date

From and after August 7, 1989, these Land Development Regulations shall govern each and every use and subdivision of land within the corporate limits of the City as now or hereafter established. The Board of Aldermen enacts these Regulations pursuant to the authority conferred by Chapter 89 RsMO, 1969 and Ordinance No. 309-§ 8-7-89.

SECTION 400.007 Purpose; Relationship to Comprehensive Plan.

These regulations and standards for the zoning, platting, subdividing, and development of land for urban use are to make provision for adequate light, air, open space, drainage, traffic circulation, utilities, and other needs, to ensure the evolution and maintenance of a healthy, attractive, and efficient community. These Regulations are designed to:

- A. Implement the City’s plans for physical development, including plans for land use and zoning, and the Major Street Plan. It is the intention that these Regulations implement the planning policies adopted by the Board of Aldermen for the City of St. Robert, and that neither these Regulations nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.
- B. Provide that the cost of infrastructure improvements, which primarily benefit the tract of land being developed, shall be borne by the owners or developers of the property, which is proposed for development.

SECTION 400.009 Jurisdiction

Subject to subsequent chapters of these Regulations, no person may subdivide or develop any parcel of land, or authorize or permit the change of use or change of occupancy of any buildings under his control except in accordance with all of the applicable provisions of this Regulation. No sign or billboard shall be erected, converted, enlarged, reconstructed or structurally altered, except in accordance with Chapter 408 of these Regulations.

SECTION 400.011 Severability

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not effect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Regulation since the same would have been enacted without the incorporation into this Regulation of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

SECTION 400.013 Computation of Time

- A. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is Sunday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded.
- B. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service or a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

SECTION 400.015 Tense and Usage

- A. For the purpose of these Regulations, the following words and terms shall have the meanings given below, unless a contrary intention clearly appears:
 - (1) Words used in the present tense shall include the future.
 - (2) Words in the singular shall include the plural and vice versa.
 - (3) The words "shall" and "must" are mandatory.
 - (4) The word "building" includes the word "structure."
 - (5) The term "used for" includes the terms "designed for" and "intended for."

CHAPTER 401 DEFINITIONS

SECTION 401.001 Interpretation and Context

- A. For the purpose of this Regulation, certain words and phrases are herein defined. Words and phrases, which are not defined, shall be given their usual meaning except where the context clearly indicates a different or specified meaning.
- B. Words used in the present tense shall include the future; the singular includes the plural and the plural includes the singular; the word “dwelling” includes the word “residence”; the word “shall” is mandatory and not permissive; the term “used for” includes the meaning “designed for” or “intended for”.

SECTION 401.003 Definitions

The following words, terms and phrases are defined:

- ❖ Accessory Building - Any building, the use of which is incidental to the principal use of another structure on the same premises.
- ❖ Accessory Structure - Any structure, the use of which is incidental or secondary to the principal use of another structure on the same premises.
- ❖ Accessory Use - A use incidental and subordinate to the principal use on the premises.
- ❖ Adult Business – Any business establishment that sells for profit or offers for viewing anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. The material offered for sale or viewing depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.
- ❖ Adult Entertainment – Any adult cabaret, nightclub, bar, tavern, restaurant or other establishment that promotes or permits on the premises any live exhibition, performance, display or dance of any type, in which persons appear in a state of nudity in the performance of their duties. Nudity shall be the showing of either the human male or female genitals or pubic area with less than a fully opaque covering; or the female breast with less than a fully opaque covering on any part of the nipple.
- ❖ Alley - A minor public easement used primarily for vehicular service access to the back or side of properties otherwise abutting on a street, and not intended for general traffic circulation, which may be used for public utility purposes. An alley may be used for public utility purposes.

- ❖ Alteration – Any change, addition or modification in construction, occupancy or use.
- ❖ Amusement Center – An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.
- ❖ Apartment - A room or suite of rooms within a building, provided with separate cooking facilities and intended as a single dwelling unit.
- ❖ Apartment Building – A residential dwelling designed or used for three or more dwelling units.
- ❖ Automobile (Automotive) - As used herein, the term includes passenger cars, motorcycles, vans, and pickup trucks.
- ❖ Automotive Repair – An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.
- ❖ Block - A parcel or land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, or a combination thereof.
- ❖ Boarding House – A dwelling containing a single dwelling unit and not more than 10 guestrooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one (1) week.
- ❖ Building - A structure that is affixed to the land, has one (1) or more floors, one (1) or more exterior walls and a roof, and is designed or intended for occupancy for residential or nonresidential use.
- ❖ Building Codes - Regulations governing building design and construction. They are based on the municipalities’ enforcement powers to protect the health, safety and welfare of the public.
- ❖ Building Line or Setback Line - A line or lines designating the buildable area of the lot, the area outside of which buildings may not be erected. Building lines are measured (“setback”) from the lot property lines.
- ❖ Certificate of Occupancy - A document issued by the proper authority allowing the occupancy or use of a building and verifying that the structure or use will be used in compliance with all the applicable municipal codes and ordinances.
- ❖ Child Care Home - See *Group Home for Dependent Children*.
- ❖ Circulation Area - That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways, and other maneuvering areas (other than parking aisles) comprise the circulation area.

- ❖ City - The City of St. Robert, Missouri.
- ❖ Commission - The Planning and Zoning Commission of the City of St. Robert, Missouri.
- ❖ Comprehensive Plan - Sometimes referred to as a City plan, master plan or land use plan. A formal planning document used in conjunction with subdivision and zoning regulations as a guide in making recommendations and decisions pertinent to land use development; coordinate the location and construction of public improvements; and to coordinate the design of subdivisions and construction of streets and related improvements.
- ❖ Conditional Use - An permissible use that is allowed in a zoning district after a review of the proposed use is approved by the Board of Aldermen. Conditional requirements may or may not be apart of the approval of the conditional use.
- ❖ Condominium - A single-dwelling unit in a multiunit building or structure, that is separately owned and may be combined with undivided interest in the common areas and facilities of the property. Individual ownership in fee simple is restricted to that which is within the walls or designated bounds of a unit, and collective ownership applies to all other land and facilities beyond the individual units.
- ❖ Condominium Development - A residential subdivision designed for multiple single-dwelling unit in a multiunit buildings or structures. Condominium developments must comply with the requirements of Chapter 448 of the Revised Statues of Missouri in addition to complying with the requirements set forth in these Regulations.
- ❖ Convenience Store - A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. Some convenience stores provide fuel sales as well.
- ❖ Day Care - The care of a child away from his own home on either a commercial or noncommercial basis for custodial, educational, religious, or other purposes for any part of a 24-hour day, providing that nothing herein contained shall be construed as applying to the regularly established public or parochial schools, colleges, universities, academies or seminaries.
- ❖ Day Care Center - A facility other than the provider's permanent residence, or separate from the provider's living quarters where care is provided for children or adults for any part of the 24-hour day.
- ❖ Day Care Home - A family home, occupied as a permanent residence by the daycare provider, in which family-like care is given to more than four (4) children but not more than ten (10) children, not related to the day care provider, for less than a 24-hour day period.
- ❖ Density – The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

- ❖ Developer - Any person, company, firm, association, or other legal entity that directly or indirectly is responsible for the development of land for residential or nonresidential purposes. Developers seek the approval of subdivision plats, zoning permits or conditional use permits before the actual commencement of the proposed land use development can legally occur.
- ❖ Development - That which is to be done pursuant to the approval of a subdivision plat, zoning permit or conditional use permit for development of residential or nonresidential land uses.
- ❖ Dimensional Nonconformity - A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- ❖ District - An zoned area of the City established by boundary lines that delineate the area in which uniform land use controls are governed by the chapters of these Regulations.
- ❖ Driveway - That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- ❖ Duplex - See *Residence, Two-family*.
- ❖ Dwelling Unit - An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- ❖ Easement - A grant by the property owner to the public, a corporation, or persons, for the use of a strip of land for specific purposes.
- ❖ Family - No more than 8 related persons living together as a single housekeeping unit.
- ❖ Farm - A parcel of land used for the growing or raising of agricultural products including related structures thereon.
- ❖ Fence - An artificially constructed barrier of any material or combination of materials erected to decorate, define, enclose, or screen areas of land.
- ❖ Garage, Private - An accessory building designed or used for the storage of one or more motor-driven vehicles owned and used by the occupants of the building to which it is an accessory.
- ❖ Governing Body - The Board of Aldermen of the City of St. Robert, Missouri.
- ❖ Grade of Slope - The slope of a road, street, sanitary or storm sewer conveyance, or embankment specified in percentage (%) terms.
- ❖ Gross Floor Area -

- (a) For commercial and industrial buildings: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.
- (b) For residential buildings: The gross horizontal areas of the several floors of dwelling, excluding garages, basements, and open porches measured from the external faces of the exterior walls.

- ❖ Group Care Facility – A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.
- ❖ Group Home - A dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside. A group home may include two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling neighborhood.
- ❖ Handicap - Any physical or mental impairment which substantially limits one or more major life activities (functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); including the record of such an impairment (such as a history of, or a misclassification of having, a mental or physical impairment that substantially limits one or more major life activities).
- ❖ Height - The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.
- ❖ Home Occupation - Any activity that is carried out for gain by a person on the same lot (in a residential district) where such person resides, but that can be conducted without any significant adverse impact on the surrounding neighborhood, and that meets the requirements of Section 404.013.
- ❖ Hospital - An institution providing primary health services and acute medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, substance abuse, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
- ❖ Infrastructure - Street pavements, curbs, gutters, sidewalks, bikeways, water mains, sanitary sewers, storm drainage systems, street signs, street lights, or any similar facility improvements that are to be installed to support residential or nonresidential land uses and subdivisions.

- ❖ Intermediate Care Facility - A facility which provides on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through such institutional facilities.
- ❖ Junk - Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
- ❖ Junkyard, Recycling or Salvage Yard - Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase sale or abandonment of wastepaper, rages, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.
- ❖ Kennel - An establishment in which dogs or other domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.
- ❖ Land-Locked - A tract of land entirely or nearly entirely surrounded by lots, development, flood plain, or severe topography which is isolated from access or the extension of infrastructure improvements.
- ❖ Lot - A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a survey of record and which is recognized as a separate legal entity for purposes of transfer of ownership.
- ❖ Lot Area - The total area circumscribed by the boundaries of a lot, except that: when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line.
- ❖ Lot of Record - A lot or parcel of land, the plat or deed of which has been duly recorded in the Office of the County Recorder of Deeds.
- ❖ Manufactured Home - A structure, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or forty feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- ❖ Major Street Plan - That section of the Comprehensive Plan dealing with streets and the accompanying major plan street map.
- ❖ Manufactured Home Development - A general category of development that includes manufactured home subdivisions and manufactured home parks.

- ❖ **Manufactured Home Park** - A parcel of land three (3) acres or larger, under single ownership on which vacant individual lots are to be leased.
- ❖ **Manufactured Home Subdivision** - A subdivision designed and/or intended for the sale of lots for sitting manufactured homes.
- ❖ **Mobile Home** - See *Manufactured Home*.
- ❖ **Modular Home** - A dwelling unit constructed in accordance with the standards applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.
- ❖ **Nonconforming Situation** - A situation that occurs when, on the effective date of this Regulation, any existing lot, structure, or use of an existing lot or structure does not conform to one or more regulations applicable to the district in which the lot or structure is located. A nonconforming situation may arise because a lot does not meet minimum density requirements, structures exceed maximum height limitations, the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Regulation, or because land or buildings are used for purposes made unlawful by this Regulation.
- ❖ **Nonconforming Lot** - A lot existing at the effective date of this Regulation (and not created for the purpose of evading the restrictions of this Regulation) that does not meet the minimum area requirement of the district in which the lot is located.
- ❖ **Nonconforming Use** - A nonconforming use occurs when property is used for a purpose or in a manner made unlawful by the permissible use guidelines applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use).
- ❖ **Nursing Home** - A facility, or a distinct part of a facility, licensed or approved to provide full-time skilled nursing, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, handicap or infirmity, are unable to care for themselves.
- ❖ **Occupancy Permit** - A certificate, which is issued for residential and nonresidential buildings that authorizes the legal occupancy of the building, and certifies that the building to be occupied complies with the adopted building codes of the municipality and is safe for said occupancy.
- ❖ **Parking Area Aisles** - A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

- ❖ Parking Space - A portion of the vehicle accommodation area set aside for the parking of one vehicle.
- ❖ Pedestrian Way - A right-of-way easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- ❖ Person - An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- ❖ Planned Unit Development (PUD) – A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow for flexibility and creativity in site and building design and location, in accordance with general guidelines.
- ❖ Plat - The map of a parcel of land that graphically shows the location and layout of property lines, lots, streets, easements, and land areas for public or private ownership.
- ❖ Public Utility Facilities - Facilities which include but are not limited to, swimming pools, recreational areas, parks, electrical, telephone, fiber optics, natural gas, water, sewage, solid waste, radio, television, and cable television, such as radio towers, electric or telephone substations, water well and treatment plants, sewage treatment facilities, and pipeline valves or substations.
- ❖ Recreation, Indoor – An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theatres, and related amusements.
- ❖ Recreation, Outdoor – An area free from buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.
- ❖ Recreation, Indoor – An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theatres, and related amusements.
- ❖ Residence, Conversion -
 - (a) A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.
 - (b) A multiple-family residence containing three or four dwelling units resulting from the conversion of a single building containing at least 3,000 square feet of gross floor area that was in existence on the

effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

- ❖ Residence, Multiple Unit - A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or spaces. Individual dwelling units may be owned as condominiums, or offered for rent as apartments or townhouses.
- ❖ Residence, Single-family - A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.
- ❖ Residence, Two-family - A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. A duplex unit is an example of two-family residence.
- ❖ Residential Care Facility - A facility for the aged or infirm in which persons reside and are provided with food and shelter, or care for compensations.
- ❖ Restaurant – An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:
 - (a) Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
 - (b) Restaurant, general. An establishment that sells food for consumption on or off the premises.
 - (c) Restaurant, take-out. An establishment that sells food only for consumption off the premises. This shall include those establishments that provide delivery service to customers off the premises as well.
- ❖ Replat - Any change in an approved or recorded plat, which affects the location or layout of property lines, streets or easements. See “*Re-subdivide*”.
- ❖ Re-subdivide - Any change in the division of a tract or block of land that affects any lot line or parcel boundary, including lot splitting. See “*Replat*”.
- ❖ Right-of-way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, utility line, storm water drainage way, or another special use. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

- ❖ Sight Distance Triangle - A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- ❖ Sign - An object, display, device, graphic, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. See Chapter 408.
- ❖ Story - That portion of a building between the surface of a finished floor and the finished surface of the next floor above it. If there is no floor above it, then the space between the floor and the ceiling above it will constitute a story.
- ❖ Story, Half - A space under a sloping roof which has the line of intersection of the roof and the wall face not more than three feet above the floor level.
- ❖ Street - A right-of-way dedicated to the public use or with respect to which an offer of dedication has been made, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties and is intended for general traffic circulation.
 - (a) Collector - A street whose principal function is to carry traffic between minor and local streets and arterial streets, but that also provides direct access to abutting properties.
 - (b) Cul-de-sac - A local street having one end open to traffic and being permanently or temporarily terminated by a vehicular turnabout.
 - (c) Local - A minor street which is not designated as a major City street or State or Federal Highway.
 - (d) Major Street - A street, highway, or roadway designated as such on the adopted Major Street Plan of the official City Comprehensive Plan.
- ❖ Structural Alteration - Any change, as they relate to the supporting structural members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.
- ❖ Structure - Anything constructed or erected. Among other things, structures include buildings, walls, fences, signs, and satellite antennae.
- ❖ Subdivision - The division of a piece of land into two or more lots or parcels for the purpose of sale, transfer of ownership, financing (evidenced by the recording of a deed of trust) or building development (whether immediate or future), and including all divisions of land involving the dedication of a new street or a change in existing streets.

- ❖ Temporary Residences - A manufactured home or modular home that is used for any one of the following situations:
 - (a) Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster. The reconstruction of the residence shall be completed within one year from the day in which it was caused to be uninhabitable. A temporary emergency residence must then be removed within 30 days after the reconstruction of the damaged uninhabitable residence has been completed so as to not create a nonconforming use.
 - (b) Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, and which must be removed within 30 days after the construction of the residence has been completed, or
 - (c) Located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site, and which must be removed within 30 days after the construction has been completed.
- ❖ Tower - Any structure whose principal function is to support an antenna. Telecommunication towers and antennas are governed by Chapter 411
- ❖ Tract - A lot (see definition of “Lot”). The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots”.
- ❖ Travel Trailer - A structure that:
 - (a) Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and
 - (b) Is designed for temporary use as sleeping quarters but does not satisfy one or more of the definitional criteria of a mobile home.
- ❖ Use - The activity or function that actually takes place or is intended to take place on a lot or parcel.
- ❖ Use, Principal - The main use of land or structures as distinguished from a secondary or accessory use.
- ❖ Utility Facilities - Any aboveground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the Missouri Public Service Commission and use in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.
- ❖ Utility Facilities, Community or Regional - All utility facilities other than neighborhood facilities.

- ❖ Utility Facilities, Neighborhood - Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.
- ❖ Variance - A grant of permission by the St. Robert Board of Adjustment that authorizes a deviation from the height, lot area, setback, parking or other dimensional requirements established by zoning and subdivision codes.
- ❖ Vehicle Accommodation Area - That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- ❖ Warehouse – A building or premises in which goods, merchandise or equipment are stored for eventual distribution.
- ❖ Yard - An open area between the structure setback lines of a lot as established by the regulations of a particular zoning district, and the property lines of the same lot.
 - (a) Front Yard - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot. On corner lots, the front yard shall face the longest street dimensions of the lot, except that if the lot is square or almost square, then the front yard may face either street.
 - (b) Rear Yard - A yard extending the full width of the lot between a principal building and the rear lot line.
 - (c) Side Yard - A yard between the main building and the side lot line, and extending from the front yard to the rear yard.
 - (d) Yard Width and Depth - The shortest horizontal distance from a lot line to the main building.
- ❖ Zero Lot Line Construction - Single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line where no setback distance is required.
- ❖ Zoning Permit - A permit that authorizes the recipient to make use of or develop a property in accordance with the permitted uses delineated in the zoning district in which the proposed use is to be located.

CHAPTER 402 ADMINISTRATIVE MECHANISMS

PART I: PLANNING AND ZONING COMMISSION

SECTION 402.001 Establishment of Commission

In order to make adequate provision for and to stimulate, guide, direct and arrange the City and the future development and growth of the City, there is hereby established a Commission to be known as the City Planning and Zoning Commission as set out in Chapter 89 of the Revised Statues of Missouri.

SECTION 402.003 Appointment and Terms of Planning and Zoning Commission

- A. The City Planning and Zoning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including; the Mayor, if the mayor chooses to be a member, and an Alderman who is selected by the council if the Board of Aldermen chooses to have a member serve on the Commission. All members of the Planning and Zoning Commission shall be residents of the City to act on questions pertaining to the development of the city. A minimum of five (5) citizen members shall be required and appointed by the Mayor, subject to the approval of the Board of Aldermen, and shall serve without compensation for their services, but may receive reimbursement for expenses approved by the Board of Aldermen.
- B. The term of each citizen member shall be for four (4) years; except, that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Vacancies shall be filled by appointment of the Mayor, with approval of the Board of Aldermen, and shall be for the unexpired term. Each member shall serve until his successor is appointed and qualified.
- C. The Board of Aldermen may remove any citizen member for cause stated in writing and after a public hearing has been held regarding these charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by certified mail, or by having the same at his usual place of residence. The member shall be given opportunity to be heard and answer such charges.
 - (1) Nonattendance of meetings by citizen members shall be considered cause for removal. Specifically, a citizen member who is absent from two (2) consecutive meetings of the Planning and Zoning Commission may be considered for removal.

SECTION 402.005 Commission Officers

- A. At its first organizational meeting of each year, the Planning and Zoning Commission shall, by majority vote of its membership (excluding the vacant seats) elect, from its citizen members, the following officers; One member to serve as chairman and preside over the Commission's meetings; one member to serve as vice-chairman; and one member to serve as secretary. The people so designated shall serve in these capacities for terms of one year, with eligibility for reelection. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Commission membership (excluding vacant

seats).

- B. All Planning and Zoning Commission officers may take part in all deliberations and vote on all issues.

SECTION 402.007 Powers and Duties

- A. The Commission may make and adopt, and recommend to the Board of Aldermen, plans, goals, and objectives relating to the growth, development, and redevelopment of the City of St. Robert.
- B. Develop and recommend to the Board of Aldermen policies, ordinances, administrative procedures, and other means for carrying out plans in coordinated and efficient manner.
- C. Make recommendations to the Board of Aldermen concerning proposed conditional use permits, and land subdivisions, and proposed zoning map changes, as provided in Chapter 422 (Amendments).
- D. The Planning and Zoning Commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Regulation.

SECTION 402.009 Quorum and Voting

- A. A quorum for the Planning and Zoning Commission shall consist of a majority of the Commission members (excluding vacant seats). Assuming all positions have been approved by the Mayor and the Board of Aldermen, a quorum of five (5) members is necessary for the Commission to take official action.
- B. All actions of the Planning and Zoning Commission shall be taken by majority vote, a quorum of which being present.
- C. A roll call vote shall be taken on all motions. All votes shall be recorded by name.

SECTION 402.011 Meetings

- A. The Commission shall hold regular meetings and special meetings as they provide by rule. All meetings of the Commission shall be open to the public. All business of the Commission shall be transacted at such meetings. The agenda for each Commission meeting shall be provided seven (7) days in advance of the meeting to each Commission member.
- B. Written notice shall be given to the applicant no later than 15 days before the scheduled Commission meeting. Written notice shall also be given to any other person who makes a written request for such notice.
- C. Notice shall be given to other potentially interested persons by publishing a notice one time in a newspaper having general circulation in the City of St. Robert not less than fifteen days prior to the scheduled meeting date. The notice shall state the date, time, and place of the meeting, reasonably

identify the lot that is the subject of the application and give a brief description of the action requested or proposed.

- D. At least 24 hours (excluding weekends and holidays) before a Commission meeting, a notice of the meeting must be prominently posted at the meeting place of the Commission. The notice must include:
 - (1) Date notice was posted.
 - (2) Time notice was posted.
 - (3) Time of meeting.
 - (4) Date of meeting.
 - (5) Place of meeting.
 - (6) Tentative agenda of open public meeting.
- E. The Commission shall keep minutes of its proceedings, which shall be a public record. The Commission may appoint an assistant to attend the meetings and take the minutes, but an officer of the Commission (secretary, chairman, vice-chairman) must sign the minutes and be responsible for their accuracy.

SECTION 402.013 Advisory Committees

- A. From time to time, the Commission may appoint one or more individuals to help the Planning and Zoning Commission carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Commission may appoint the employees and staff necessary for its work, and may contract with City planners and other professional persons for the services it requires.
- B. Those individuals and staff representatives shall sit as nonvoting members of the Planning and Zoning Commission when such issues are being considered and lend their talents, energies, and expertise to the Planning and Zoning Commission. However, all formal recommendations to the Board of Aldermen shall be made by the Planning and Zoning Commission.
- C. Nothing in this section shall prevent the Board of Aldermen from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Board of Aldermen.

PART II: BOARD OF ADJUSTMENT

SECTION 402.015 Establishment of Board of Adjustment

Board of Adjustment is hereby established, as set out in Chapter 89 in the Revised Statues of Missouri.

SECTION 402.017 Appointment and Terms of Board of Adjustment

- A. The Board of Adjustment shall consist of five (5) regular members and three (3) alternates, who shall be residents of St. Robert. One regular member shall be appointed from the Planning and Zoning Commission. Alternate members may sit on the Board in the absence of or disqualification of the regular members. When so seated, alternates shall have the same powers and duties as the regular members they replace.
- B. Members and alternates shall be appointed for terms of five years each. All members and alternates shall be appointed by the Mayor with the approval of the Board of Aldermen. All members and alternates shall serve without compensation and each member shall serve until his/her successor is appointed and qualified. Members may be reappointed to successive terms without limitation. Vacancies shall be filled by appointment of the Mayor, with the approval of the Board of Aldermen, and shall be for the unexpired term.
- C. The Board of Aldermen may remove any citizen member or alternate, for cause upon written charges having been filed with the Board of Aldermen, and after a public hearing has been held regarding these charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by certified mail, or by having the same at his usual place of residence. The member shall be given opportunity to be heard and answer such charges.
 - (1) Nonattendance of meetings by citizen members shall be considered cause for removal. Specifically, a citizen member who is absent from two (2) consecutive meetings of the Board of Adjustments shall be considered for removal.

SECTION 402.019 Board of Adjustment Officers

- A. At its first organizational meeting of the year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the Board membership (excluding vacant seats).
- B. The chairman or any member temporarily acting as Chairman shall administer oaths to witnesses coming before the Board. The following oath of affirmation shall be administered to each witness prior to that person addressing the Board:
- C. "I swear or affirm that the statements that I am about to make on the matter at hand are true to the best of my knowledge or recollection."
- D. The Chairman may take part in all deliberations and vote on all issues.

SECTION 402.021 Powers and Duties of the Board of Adjustment

- A. The Board of Adjustment has the primary function of serving the public interest. The Board shall have all of the powers and duties prescribed by law of the State of Missouri and by this Regulation. The Board of Adjustment shall hear and decide:
 - (1) Appeals from any order, decision, requirement or interpretation made by the Land Use Administrator, as they may relate to the enforcement of the requirements set forth in the Land Development Regulations.
 - (2) Applications for variances to density and dimensional requirements.
 - (3) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines.
- B. Any other matter the Board is required to act upon by other City ordinance, or authorized by enabling statutes of the Revised Statutes of Missouri.

SECTION 402.023 Quorum and Voting

- A. Four (4) regular and/or alternate members shall constitute a quorum. A quorum is necessary for the Board to take official action.
- B. When the Board lacks sufficient members for a quorum the business before the Board shall be continued to the Board's next meeting at a date established by the Chairman.
- C. When only four regular and/or alternate members are present, the applicant may request his appeal or application be continued so as to be heard by five regular and/or alternate members of the Board.
- D. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass.
- E. A member may abstain from voting on a particular issue by majority vote of the remaining members pursuant under the following circumstances:
 - (1) If the member has a direct financial interest in the outcome of the matter at issue, or
 - (2) If the matter at issue involves the member's own official conduct, or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 - (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

- F. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.
- G. A roll call vote shall be taken on all matters decided by the Board, and shall be a matter of the official record of the minutes.

SECTION 402.025 Meetings

- A. Meetings of the Board shall be held at the call of the Chairman of the Board of Adjustment, and at such time as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses.
- B. The Board of Adjustment shall conduct its meeting in accordance with the quasi-judicial procedures set forth in Chapter 409, Appeals, Variances, and Interpretations
- C. A roll call vote shall be taken on all motions. All votes shall be recorded by name.
- D. The Board shall hold regular meetings and special meetings as they provide by rule. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The agenda for each Board meeting shall be provided seven (7) days in advance of the meeting to each Board member.
- E. Written notice shall be given to the applicant no later than 15 days before the scheduled Board meeting. Written notice shall also be given to any other person who makes a written request for such notice.
- F. Notice shall be given to other potentially interested persons by publishing a notice one time in a newspaper having general circulation in the City of St. Robert not less than fifteen days prior to the scheduled meeting date. The notice shall state the date, time, and place of the meeting, reasonably identify the lot that is the subject of the application and give a brief description of the action requested or proposed.
- G. At least 24 hours (excluding weekends and holidays) before a Board meeting, a notice of the meeting must be prominently posted at the meeting place of the Board. The notice must include:
 - (1) Date notice was posted.
 - (2) Time notice was posted.
 - (3) Time of meeting.
 - (4) Date of meeting.

(5) Place of meeting.

(6) Tentative agenda of open public meeting.

H. The Board may appoint an assistant to take the minutes of all hearings, all testimony, objections thereto and rulings thereon and be a matter of public record. The Chairman must sign the minutes and be responsible for their accuracy.

PART III: LAND USE ADMINISTRATOR

SECTION 402.027 Land Use Administrator

Except as otherwise specifically provided herein, primary responsibility for administering and enforcing these Regulations shall be the duty and responsibility of the Land Use Administrator. The person or persons to whom these functions are assigned shall be referred to in this Regulation as the “Land Use Administrator” or “Administrator”.

PART IV: BUILDING CODE OFFICIAL

SECTION 402.029 Building Code Official

The responsibility of the Building Code Official shall be the enforcement of all provisions of adopted building, electrical, mechanical, plumbing, property maintenance codes, and related references to codes adopted by the City of St. Robert Board of Aldermen. Additionally, the Building Code Official is authorized to accept and act upon all applications required by this Regulation in the absence of the Administrator.

PART V: PUBLIC WORKS DIRECTOR

SECTION 402.031 Public Works Director

The Public Works Director is the administrative head of the Department of Public Works. The Public Works Director shall administer and enforce all regulatory requirements set forth in the City Infrastructure Development Regulations. Additionally, the Director of Public Works shall act on any question relative to the mode or manner of construction and materials to be used in the erection, addition to, alteration of, repair, removal, location, relocation or installation of any public street or public utilities and appurtenances.

PART VI: BOARD OF ALDERMEN

SECTION 402.033 Board of Aldermen

The Board of Aldermen as the legislative body of the City, shall be governed by the enabling statutes of the State and the guidelines set forth within this Regulation to review, consider and decide upon the matters of planning and zoning that effect the health, safety and welfare of the community and its residents. The Board of Aldermen shall have final approving authority upon the following matters presented before them:

- (4) Approval of subdivision plat’s
- (5) Approval of conditional use permit’s
- (6) Approval of change of zoning district classifications and boundaries
- (7) Approval of amendments to the Land Development Regulations

CHAPTER 403 ZONING DISTRICT CLASSIFICATIONS

PART I: ZONING DISTRICTS

SECTION 403.001 Intent and Purpose.

- A. A comprehensive plan for the City of St. Robert was adopted by Ordinance No. 632-§ 2-8-99. Said comprehensive plan includes estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities, public services and utilities, and a capital improvement program.
- B. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. These Land Development Regulations are intended to be the foundation of the entire process of improvement of the physical environment.
- C. The regulations are intended to preserve and protect existing property uses and values from adverse or non-harmonious adjacent uses.
- D. All land uses will be in conformance with the provisions of Chapter 404 (Permissible Uses) and other applicable sections of this Regulation.

SECTION 403.003 Agricultural District (A-1)

The A-1 District is composed of those areas of the city whose principal use is large lot single-family and agricultural uses. The regulations are designed to ensure harmony between the primary uses of this District and to promote the development of the “Town and Country” residential neighborhood. For residential single-family developments, a maximum density of approximately one (1) residential building lot per three (3) acres lot will be established as controlling. A trade off between the construction of fewer impervious surface areas (i.e. rooftops, sidewalks, etc.) and allowances for the creation of greater open space areas (larger lot areas) will allow the developer to create the “Town and Country” residential development without being required to construct curbs and gutters or sidewalks as an integral part of the dedicated street right-of-way. This relief does not apply to street light requirements.

SECTION 403.005 Residential Districts (R)

- A. The principal land use in residential districts is the single-family dwelling. Certain other uses necessary to serve governmental, educational, religious, recreational and other needs are allowed as conditional uses subject to restrictions intended to protect the single-family character of the District. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities as well as considering the functional relationship between permitted uses in the District. The following residential districts are established within the City of St. Robert:

- (1) Single-family Low-density (R-1L): The R-1L District is intended to promote single-family low-density residential developments at a maximum density of approximately one (1) residential dwelling unit per acre. Waiver of curb and gutter, and sidewalk requirements may be considered by the Planning and Zoning Commission on a case-by-case basis and supported by sound engineering analysis of the proposed development area and the impact of stormwater runoff to adjoining and down-stream properties. This relief does not apply to street light requirements.
- (2) Single-family Medium-density (R-1M): The R-1M District is intended to promote single-family medium-density residential developments at a maximum density of approximately three (3) residential dwelling units per acre. Requirements for the construction of curbs and gutters, and sidewalks by the developer shall not be waived.
- (3) Single-family High-density (R-1H): The R-1H District is intended to promote single-family high-density residential developments at a maximum density of approximately six (6) residential dwelling units per acre. Requirements for the construction of curbs and gutters, and sidewalks by the developer shall not be waived.
- (4) Two-family (R-2): The R-2 District is intended to accommodate mixed housing types, including single-family and duplex dwellings at moderate residential densities. The Two-family District is also intended to serve as a transition between the single-family district and the Multiple-family District at a maximum density of approximately four (4) residential dwelling units per acre. Requirements for the construction of curbs and gutters, and sidewalks by the developer shall not be waived.
- (5) Multiple-family (R-3): The R-3 District is intended to support apartment type developments at a maximum density of approximately twenty-eight (28) dwelling units per acre. Developments of this intensity should have access for vehicular traffic from collector or higher classified streets, with traffic circulation designed to minimize the impact on adjoining residential neighborhoods. Hotels, motels and other developments of similar character do not meet this classification of use. Requirements for the construction of curbs and gutters, and sidewalks by the developer shall not be waived.
- (6) Manufactured Home (R-M): The R-M District is intended to promote affordable housing needs through the development of higher density residential uses primarily for manufactured homes that are to be used as detached single-family residences. The maximum density established for this District shall not exceed eight (8) residential dwelling units per acre. Requirements for the construction of curbs and gutters, and sidewalks by the developer shall not be waived.

SECTION 403.007 Commercial Districts (C)

- A. The principal land use trend in commercial districts within the City of St. Robert is moderate to high-density retail mercantile's and hospitality services. Certain other land uses that are intermittently integrated into the general commercial districts include personal and automotive services. Careful planning in the development of commercial property within the City must ensure that the internal stability, harmony, attractiveness, order and efficiency of adjoining or adjacent residential neighborhoods are

preserved. The following commercial districts are established within the City of St. Robert:

- (1) Commercial Office (C-O): The C-O District is designed to be a restrictive district for low intensity office or professional uses to allow their location near a residential district without creating an adverse effect. It is intended that this District be established in areas that may not be viable for general commercial development because of location or other market factors, but remain viable locations for commercial office development because of high traffic volumes on adjacent streets. Such areas may also generally constitute transition or buffer zones between arterial streets, or more intensively developed commercial areas, and residential districts.
- (2) Neighborhood Commercial (C-1): The C-1 District is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this District. This District is designed to accommodate compact, freestanding commercial buildings or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, it is intended to be a mixed-use district that accommodates a variety of low intensity commercial uses. It is intended to address the planning flexibility needed for the ever-expanding growth of the City of St. Robert. This District should be utilized as a transition or buffer zone between higher intensity commercial land uses and single and two-family residential districts.
- (3) General Commercial (C-2): The C-2 District is intended for uses that provide community-wide personal and business services, shopping centers, retail plazas, hotels and motels, restaurants and specialty shops that depend upon high visibility, generate high traffic volumes or cater to the traveling public. No un-screened outside display of merchandise is permitted, except where indicated. Commercial uses permitted in this District are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district should be located along or at the intersection of two or more arterial or higher classification streets.

SECTION 403.008 Planned Unit Development Districts (PUD)

- A. The intent of the Planned Unit Development District is to encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects than is possible under conventional zoning regulations. It is intended to permit, upon the approval of a Master Development Plan and subject to the procedures and standards in other chapters of these Regulations, the creation of PUD Districts for residential and commercial land uses.
- B. The suitability of each tract of land considered for PUD District designation shall be determined in accordance with the Comprehensive Plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water and sewerage service, schools,

parcs, and other public requirements, and with a reasonable consideration being given to among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the City of St. Robert.

SECTION 403.009 Industrial Districts (I)

The following districts are hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment: I-1 and I-2. The performance standards set forth in Part II and Part III of Chapter 411, Supplementary Uses, place limitations on the characteristics of uses located in these districts. The limitations in the I-2 district are more restrictive than those in the I-1 district

SECTION 403.010 Public Use District (P-1)

The P-1 District is established for those land uses where state and local government activities are conducted and where such jurisdictional entities hold title to such lands. Public educational facilities, Hospitals and medical facilities, cemeteries, recreational facilities and parks are land uses that shall be included in this District. The District is also intended to classify land that is vacant but has been designated for activities listed above in an adopted Comprehensive Plan.

SECTION 403.011 Flood Hazard District (FH-1)

A. The FH-1 District is hereby established as an “overlay” district, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in accordance with Chapter 421 (Floodways and Floodplains) of these Regulations. The following FH-1 Districts exist within, and adjacent to, the city limits of St. Robert:

- (1) Gasconade River Tributary – North – FIRM 2908260090 C – March 17, 2002
- (2) Roubidoux Creek Tributary– Southwest – FIRM 2908260090 C – March 17, 2002
- (3) Big Piney River Tributary – Southeast – FIRM 2908260095 B – April 17, 1985
- (4) Effluents of Sawmill Hollow – North central – FIRM 2908260090 C – March 17, 2002
- (5) Effluents of Gillis Hollow – Northeast – FIRM 2908260095 B – April 17, 1985
- (6) Effluents of Round Pound Hollow – Southeast – FIRM 2908260095 B – April 17, 1985
- (7) Effluents of Dry Creek – Southeast – FIRM 2908260095 B – April 17, 1985

PART II. ZONING MAP

SECTION 403.013 Official Zoning Map

- A. There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the City’s zoning jurisdiction. This map shall be drawn using current technologies from which prints can be made, shall be dated, and shall be kept in the Office of the Land Use Administrator.
- B. The Official Zoning Map dated July 17, 1989 is adopted by Ordinance No. 309 § 8-7-89 and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Chapter 422 of these Regulations.
- C. Should the Official Zoning Map be lost, destroyed, or damaged, the Land Use Administrator may have a new map drawn on acetate, mylar, or other durable material from which prints can be made. No further authorization or action is required of the Board of Aldermen so long as no district boundaries are changed in this process.

SECTION 403.015 Amendments to Official Zoning Map

- A. Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this Regulation, as set forth herein.
- B. The Land Use Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board of Aldermen. Upon entering such amendment on the map, the Land Use Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- C. No unauthorized person may alter or modify the Official Zoning Map.
- D. The Land Use Administrator shall keep copies of superseded prints of the zoning map for historical reference.

SECTION 403.017 Annexations

All territory, which may hereafter be annexed into the City of St. Robert, shall automatically be placed in the A-1 Agricultural District, or may be zoned in accordance with the City’s Comprehensive Plan.

PART III: GENERAL PROVISIONS

SECTION 403.019 General Provisions

- A. Except as hereinafter provided:
 - (1) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building, structure or land be used except for a purpose permitted in the zoning district

in which the building, structure or land is located. All buildings, structures or land uses that legally exist at the effective date of this Regulation, shall not be affected as long as the requirements for nonconforming situations are met.

- (2) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits herein established for the zoning district in which the building or structure is located. All buildings, structures or land uses that legally exist at the effective date of this Regulation, shall not be affected as long as the requirements for nonconforming situations are met.
- (3) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the density and dimensional regulations of the zoning district in which the building or structure is located. All buildings, structures or land uses that legally exist at the effective date of this Regulation, shall not be affected as long as the requirements for nonconforming situations are met.
- (4) The density and dimensional requirements for every building legally existing at the effective date of this Regulation shall not be affected as long as the requirements for nonconforming situations are met. All new buildings hereafter erected or structurally altered at the effective date of this Regulation shall comply with all requirements of this Regulation.
- (5) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Regulation.
- (6) No building shall be erected, used, converted, enlarged, or structurally altered unless the premises conform to all off-street parking and loading requirements of this Regulation.
- (7) All singlewide manufactured homes that do not exceed 1,280 square feet in gross floor area shall be located in an approved mobile home park development that is zoned (R-M) for that purpose.
- (8) All existing single-wide manufactured homes that are less than 1,280 square feet in gross floor area, and not located within R-M zoning districts at the effective date of this Regulation, shall not be affected as long as the requirements for nonconforming situations are met, and the manufactured home does not pose a hazard to the public safety, health and welfare of the community.

SECTION 403.021 Boundaries of Districts

A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map accompanying and made a part of this chapter, the following rules apply:

- (1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this chapter are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

- (2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the zoning map accompanying and made a part of this chapter are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In un-subdivided property, the district boundary lines on the map accompanying and made a part of this chapter shall be determined by use of the parcels legal description and platted property lines on the map.

SECTION 403.023 Interpretation

In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this chapter imposes a greater restriction, this chapter shall control.

CHAPTER 404 PERMISSIBLE USES

PART I: USE REGULATIONS

SECTION 404.001 Permissible Uses and Specific Exclusions

- A. The presumption established by this Chapter is that all legitimate uses of land are permissible within at least one zoning district in the City’s planning jurisdiction. Therefore, because the list of permissible uses set forth in this Chapter cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses of similar character and have similar impacts to the listed uses.
- B. Notwithstanding Subsection A, all uses that are not listed in this Chapter, even given the liberal interpretation mandated by Subsection A, are prohibited without approval of the Planning and Zoning Commission, and approval of the Board of Aldermen when the proposed use is dictated by a conditional use. Nor shall any section in this Chapter be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
- C. Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited:
 - (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City’s fire prevention code.
 - (2) Use of a travel trailer as a temporary residence which is not located within a designated recreational vehicle park, or which is necessitated per the definition of Temporary Residences.
 - (3) Use of a travel trailer as a permanent residence.
 - (4) Any bar, tavern or nightclub which provides on premises consumption of liquor by the drink sales within one hundred (100) feet of any school, church or other building regularly used as a place of worship, City park or licensed child care facility.
 - (5) Any adult business or entertainment establishment as defined in these Regulations which is located within one thousand (1000) feet of any residentially zoned district, school, church, public park, cemetery, mortuary or funeral home, nursing or retirement home, residential care facility, hospital, medical or dental treatment facility or clinic, licensed child care facility or another adult business or entertainment establishment. These restrictions are necessary to ensure that the societal order and public health of the community is not degraded, that criminal activity is deterred, and the welfare of the children of the City of St. Robert is not at risk.
- D. Churches, synagogues, temples, and similar places of worship (including associated residential structures for religious personnel and associated buildings) may be located in any zoning district.

- E. Municipal properties, including land, buildings, or premises owned, rented or leased by the City of St. Robert are exempt from provisions of this Regulation while occupied or employed for public purposes in municipal rights, obligations, or pursuits, but such city land or property as may be sold or rented or released to private individuals or corporations must comply with all applicable provisions of this Regulation.
- F. All preexisting land uses that were otherwise lawfully established prior to the effective date of this Regulation may be continued as long as the requirements for nonconforming situations are met.
- G. The following guidelines shall be the controlling factors within each respective zoning district in the City:
 - (1) An existing building or structure may be utilized only for a permitted use listed in this Chapter upon clearance of a change of occupancy inspection by the Building Department. Nonconforming use guidelines apply.
 - (2) A vacant lot may be utilized for the construction and use of a residential single-family dwelling with the issuance of a building permit. The assumption of this article is that the vacant lot in question is located within a zoning district, which allows the construction of said use.
 - (3) All nonresidential permitted use's listed in this Chapter shall require approval of a zoning permit, issued by the Administrator, before the proposed use may be developed on the vacant lot or parcel of land on which the use is intended to be located.
 - (4) An existing building or structure may be utilized for a conditional use listed in this Chapter upon the final approval of a conditional use permit by the Board of Aldermen. Nonconforming use guidelines apply.
 - (5) All conditional use's listed in this Chapter which are to be located on a vacant lot or parcel of land shall require approval of a conditional use permit by the Board of Aldermen before that use may commence or be developed.

SECTION 404.003 Accessory Uses

- A. The forgoing provisions of this Chapter classify different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a restaurant is customarily associated with and integrally related to a hotel or motel, and would be regarded as accessory to a hotel/motel use, even though restaurant facilities, if developed apart from a hotel/motel development, would not be permitted in the C-O district.
- B. For purposes of interpreting Subsection A:

- (1) A use may be regarded as incidental or insubstantial if it is secondary to the principal, or primary use; is subordinate to the primary use; or is insubstantial in and of itself.
 - (2) To be “commonly associated” with a principal use it is not necessary for an accessory use to be connected with such principal use, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
- C. Without limiting the generality of Subsections A and B, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
- (1) Home occupations meeting the requirements of this Chapter.
 - (2) Hobbies or recreational activities of a noncommercial nature.
 - (3) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days whether consecutive or not, during any 90 day period.
 - (4) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (5) Customary accessory buildings including private garages, carports, swimming pools, decks, gazebo’s and other structures of similar character.
 - (6) Off street parking.
 - (7) Satellite dishes and amateur radio antenna when located within side or rear yard setback lines.
- D. Without limiting the generality of Subsections A and B, the storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed or operational shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

SECTION 404.005 Permissible Uses Not Requiring Permits

- A. Notwithstanding any other provisions of this Regulation, no zoning or conditional use permit is necessary for the following uses, which are developed by the City:
- (1) Public Streets.
 - (2) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
 - (3) Neighborhood utility facilities located within a preexisting public right-of-way with the permission of the owner (State or City of St. Robert) of the right-of-way.

SECTION 404.007 Change in Use

- A. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever the change involves a change from one principal use category to another.
- B. A mere change in the status of the property from unoccupied to occupied or vice-versa does not constitute a change in use.
- C. A mere change in ownership of a business or enterprise or change in the name shall not be regarded as a change in use.
- D. When a change in use of property occurs, and the essential character or nature of the activity conducted on the lot changes to a more restricted use that requires the approval of a conditional use permit, then the change of use may not legally be made without the approval of a conditional use permit by the Board of Aldermen.

SECTION 404.009 The Most Specific Use Classification Controls

Whenever a land use could fall within more than one use classification, the classification that most closely and most specifically describes the development controls.

SECTION 404.011 Group Homes; Additional Requirements

- A. Group homes shall meet the following requirements in order to be located in a residential district:
 - (1) The exterior appearance of the group home and property shall reasonably conform to the exterior appearance of other dwellings in the immediate vicinity.

SECTION 404.013 Home Occupations

- A. The intent of this section is to permit the use of residential property for home occupations, which are compatible with the neighborhood in which they are located. Any use of a residential dwelling for home occupations shall be done in a manner, which is clearly incidental and secondary to the use of the premise for a dwelling. The residential character of a neighborhood shall be preserved and any home occupations which are permitted shall be of such a nature as to not intrude upon adjoining property through the production of noise, vibration, dust, odors, heat, glare or in any other way to detract from the residential neighborhood. Should a conflict arise between use of residential premises for a home occupation with preservation of the neighborhood's residential character, the City's policy is to favor preservation of the neighborhood in its residential form.

- B. Home occupations shall be operated entirely within the principal residential dwelling and shall be incidental and subordinate to its use for residential purposes.
- C. To be permissible as a home occupation, all of the following conditions must be satisfied:
 - (1) No outdoor storage of materials or equipment used in the home occupation shall be permitted. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of the residence.
 - (2) Home occupations shall be conducted only by the residents of the dwelling unit without the regular assistance of on site employees.
 - (3) Not more than 25 percent of the total gross floor area of the residential building, or more than 500 square feet of gross floor area (whichever is less) is used for home occupation purposes.
 - (4) In no way shall the appearance of the dwelling be altered for the home occupation nor will the home occupation 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, or the emission of sounds, noise, vibrations, or the paving or other provisions for parking or other vehicular access which exceeds the residential character of the neighborhood.
 - (5) Not more than one (1) non-illuminated business sign may be used. The sign shall be attached flat against the building and shall not exceed one (1) square foot in area.
 - (6) No equipment shall be utilized, staged or stored on the premises of the residence that creates a visual nuisance due to odor, vibration, noise, electrical interference beyond the property line of the lot upon which the home occupation is conducted.
 - (7) No traffic or parking demands shall be generated by such home occupation in greater volume, frequency or type than would normally be expected in a residential neighborhood.
- D. The following are typical examples of uses, which often can be conducted within the limits established herein, and thereby qualify as home occupations. Uses which qualify, as home occupations are not limited to those named below, nor does this listing automatically qualify it as a home occupation:
 - (1) Artists, sculptors and authors or composers;
 - (2) Dressmakers, seamstresses, tailors;
 - (3) Crafters who create, floral, basketry, painting, ceramics, woodcarvings and small wood items, stained/leaded glass, textiles, and other handmade or small scale crafted items for sale.
 - (4) Tutors, provided that tutoring shall be limited to no more than two (2) pupils at a time;

- (5) Office area for architects, engineers, realtors, insurance agents, brokers, computer consultants, word processing consultants, business consultants and members of similar professions but not for the general practice of the profession which requires on-site visits by customers or clients;
 - (6) Office area for sales representatives, manufacturers' representatives and direct sellers, which does not require on-site storage of goods;
 - (7) Office area for contractors, cleaning services, landscapers, and other similar enterprises, which does not require on-site storage of vehicles, equipment or materials;
 - (8) Office area for psychologists, counselors, lawyers, and social workers, provided that the home shall not be used for the receipt of clients, patients, customers or other recipients of services or products provided by the profession.
 - (9) Home day care, which shall also comply with Missouri Statutes.
- E. The following uses by their nature have a tendency, once started, to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area. The uses specified below shall not be permitted as home occupations:
- (1) Any home occupation that involves the assistance of employees at a dwelling unit on a regular basis;
 - (2) Barber shops and beauty parlors;
 - (3) Cabinet making, or furniture making, manufactured for sale;
 - (4) Dancing schools, aerobic schools, personal fitness training;
 - (5) Medical or dental offices or clinics, including chiropractors, veterinarians, podiatrists, etc.;
 - (6) Motor vehicle repair or service;
 - (7) Painting of vehicles or large household appliances;
 - (8) Tourist home, including bed and breakfast;
 - (9) Gunsmiths;
 - (10) Construction business, which requires the parking or storage of associated heavy equipment and construction materials;
 - (11) Telemarketing operations;

(12) Home occupations, which fail to meet the standards of this Section.

- F. In any and all procedures, hearings and appeals the burden of proof regarding compliance and qualification for a home occupational use of property shall be on the person seeking or attempting to retain a home occupational use.
- G. The Board of Adjustment shall hear appeals in the following cases involving Home Occupations. Appeals shall be handled in the same manner as all other appeals, which have been filed with the Land Use Administrator:
 - (1) Appeal by an applicant who believes the decision by Administrator is contrary to the Regulation or that an error was made in his decision to deny such home occupancy.
 - (2) Appeal by an individual who believes the decision by Administrator to allow a home occupation to be conducted is contrary to the Regulation or that an error was made in his decision authorize such home occupancy.
- H. The filing fee for any appeal to the Board of Adjustment shall be borne by the appellant and shall be the same as for any other appeal or application to the Board of Adjustment.

PART II: AGRICULTURAL DISTRICTS

SECTION 404.015 Agricultural (A-1) District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Agricultural (A-1) District.
 - (1) Detached single-family dwellings, a maximum of one dwelling per lot.
 - (2) Manufactured and modular homes in excess of 1,280 square feet in gross floor area and constructed on a permanent foundation and connected to city utilities. A maximum of one dwelling per lot is allowed.
 - (3) Home occupations that meet the requirements of Section 404.013 of these Regulations.
 - (4) Churches and other similar places of worship.
 - (5) Home day care, provided that not more than ten (10) children shall be kept at any one time, and who are not related to the owner. Playground areas shall be located in the rear yard area of the premises.
 - (6) Accessory structures that are subordinate and secondary to the principle use.

- B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Agricultural (A-1) District upon final approval of the Board of Aldermen.
- (1) Bed and breakfast inns and uses of similar character.
 - (2) Golf courses and country clubs occupying a minimum of forty (40) acres.
 - (3) Parks, stadiums, arenas and other land uses created for recreational purposes.
 - (4) Group homes, nursing homes and unassisted living care facilities for the elderly.
 - (5) Hospitals and other medical facilities providing health care services.
 - (6) Agricultural land uses including, but not limited to, greenhouse nurseries, open-air farmers markets, produce markets and other uses of similar character.
 - (7) Veterinary services, animal hospitals, kennels and stables.
 - (8) Self help mini-storage facilities.
 - (9) Cemeteries located on no less than ten (10) acres of land.
 - (10) Telecommunication towers and antennas.

PART III: RESIDENTIAL DISTRICTS

SECTION 404.017 Residential Single-family Low-density (R- 1L) District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Residential Single-family Low-density (R- 1L) District.
- (1) Detached single-family dwellings units.
 - (2) Home occupations that meet the requirements of Section 404.013 of these Regulations.
 - (3) Churches and other similar places of worship.
 - (4) Home day care, provided that not more than ten (10) children shall be kept at any one time, and who are not related to the owner. Playground areas shall be located in the rear yard area of the premises.
 - (5) Accessory structures that are subordinate and secondary to the principle use.

(6) Publicly and privately owned and maintained parks and playgrounds.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Residential Single-family Low-density (R-1L) District upon final approval of the Board of Aldermen.

(1) Elementary and secondary schools, both publicly and privately owned and operated.

(2) Daycare centers and pre-schools.

(3) Group homes, nursing homes and unassisted living care facilities for the elderly.

SECTION 404.018 Residential Single-family Medium-density (R-1M) District

A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Residential Single-family Medium-density (R-1M) District.

(1) Any permitted use established for R-1L districts.

(2) Manufactured and modular homes in excess of 1,280 square feet in gross floor area and constructed on a permanent foundation and connected to city utilities. A maximum of one dwelling unit per lot is allowed.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Residential Single-family Medium-density (R-1M) District upon final approval of the Board of Aldermen.

(1) Any conditional use established for R-1L districts.

(2) Golf courses and country clubs occupying a minimum of forty (40) acres.

(3) Recreation centers and swimming pools.

SECTION 404.019 Residential Single-family High-density (R-1H) District

A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Residential Single-family High-density (R-1H) District.

(1) Any permitted use established for R-1M districts.

(2) Police and fire stations.

(3) Rescue squads and ambulance services.

(4) Municipal buildings.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Residential Single-family High-density (R-1H) District upon final approval of the Board of Aldermen.

(1) Any conditional use established for R-1M districts.

(2) Post office.

(3) Public libraries.

(4) Baseball, softball and soccer fields, and tennis and basketball courts.

SECTION 404.020 Residential Two-family (R-2) District

A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Residential Two-family (R-2) District.

(1) Any permitted use established for R-1M districts.

(2) Two-family dwelling units.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Residential Two-family (R-2) District upon final approval of the Board of Aldermen.

(1) Any conditional use established for R-1M districts.

(2) Post office.

(3) Public libraries.

(4) Baseball, softball and soccer fields, and tennis and basketball courts.

SECTION 404.021 Residential Multiple-family (R-3) District

A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Residential Multiple-family (R-3) District.

(1) Any permitted use established for R-1H districts.

(2) Multiple-family dwelling units when not exceeding 28 dwelling units in the proposed master plan of development.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Residential Multiple-family (R-3) District upon final approval of the Board of Aldermen.

- (1) Any conditional use established for R-1H districts.
- (2) Multiple-family dwelling units in excess of 28 dwelling units proposed master plan of development.
- (3) Boarding houses and tourist homes.
- (4) Colleges and vocational schools.
- (5) Medical and dental clinics and offices.

SECTION 404.023 Residential Manufactured Home (R-M) District

A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Residential Manufactured Home (R-M) District.

- (1) Detached Single-family manufactured homes.
- (2) Manufactured and modular homes in excess of 1,280 square feet in gross floor area and constructed on a permanent foundation and connected to city utilities. A maximum of one dwelling unit per lot is allowed.
- (3) Home occupations that meet the requirements of Section 404.013 of these Regulations.
- (4) Churches and other similar places of worship.
- (5) Home day care, provided that not more than ten (10) children shall be kept at any one time, and who are not related to the owner. Playground areas shall be located in the rear yard area of the premises.
- (6) Accessory structures that are subordinate and secondary to the principle use.
- (7) Publicly and privately owned and maintained parks and playgrounds.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Residential Manufactured Home (R-M) District upon final approval of the Board of Aldermen.

- (1) Baseball, softball and soccer fields, and tennis and basketball courts.
- (2) Recreation centers and swimming pools.

- (3) Post office.
- (4) Public libraries.

PART IV: PLANNED DISTRICTS

SECTION 404.025 Planned Unit Developments

- A. Approval. Planned unit developments (PUDs) shall be allowed by Planning and Zoning Commission approval in any residential or commercial zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by these Regulations. Compliance with the regulations of this chapter in no way excuses the developer from the applicable requirements of subdivision regulations, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.
- B. Intent. These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PUD. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of these Regulations and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.
- C. Area. No planned unit development shall have an area less than that approved by the Planning and Zoning Commission as adequate for the proposed development.
- D. Uses. A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for the zoning amendment in accordance with Chapter 422 of these Regulations. Any residential use shall be considered a permitted use in a planned unit development, which allows residential uses and shall be governed by density, design and other requirements of the planned unit development permit. Where a site plan is situated in more than one zoning district, the permitted uses applicable to such property in one district may be extended into the adjacent zoning district.
- E. Ownership. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

- F. Design. The Planning and Zoning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.
 - (1) Density. Density of land use shall in no case be more than 15 percent higher than allowed in the zoning district.
 - (2) Arrangement. Where feasible, the least height and density of buildings shall be arranged around the boundaries of the development.
 - (3) Specific regulations. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

- G. Open spaces. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:
 - (1) Dedication of the land as a public park or parkway system; or
 - (2) Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the St. Robert Board of Aldermen.

- H. Landscaping. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning and Zoning Commission for approval, together with required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the Planning and Zoning Commission with the application.

- I. Signs. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.

- J. Desirability. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

- K. Considerations. In carrying out the intent of this section, the Planning and Zoning Commission shall consider the following principles:
 - (1) It is the intent of this section that site and building plans shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The

commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.

- (2) It is not the intent of this section that control of the design of the PUD by the Planning and Zoning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this section.
- (3) The Planning and Zoning Commission shall be authorized to approve or disapprove an application for a PUD.

L. In an approval, the Commission shall be permitted to attach such conditions, as it deems necessary to secure compliance with the purposes set forth in this Section. The denial of an application for a PUD by the Planning and Zoning Commission shall be permitted to be reviewed by the Board of Aldermen for final consideration, and in the case of denial by the Council; the application may appeal the decision to the St. Robert Board of Adjustments.

M. The Board of Aldermen, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

- (1) Dedication of land for public park purposes.
- (2) Dedication of land for public school purposes.
- (3) Dedication of land for public road right-of-way purposes.
- (4) Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
- (5) Installation of required traffic safety devices.
- (6) Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

N. Approval. The Planning and Zoning Commission shall have the authority to require that the following conditions for a planned unit development (among others it deems appropriate) be met by the applicant:

- (1) That the proponents intend to start construction within 1 year of either the approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within 4 years from the date construction begins.
- (2) That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

O. Limitations on application.

- (1) Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved for a PUD by the Planning and Zoning Commission and in compliance with any conditions attached to the approval of said PUD.
- (2) Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.
- (3) The Building and Land Use Department shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

PART V: PUBLIC USE DISTRICTS

SECTION 404.026 Public Use (P-1) District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Public Use (P-1) District.
- (1) Government buildings and accessory structures.
 - (2) Hospitals and related buildings and accessory uses.
 - (3) Medical offices and clinics and related buildings and accessory structures.
 - (4) Medical and dental laboratories, not including manufacturing of pharmaceutical or other products for sale.
 - (5) Stadiums, auditoriums, convention and cultural centers maintained and operated by governmental entities.
 - (6) Churches and other similar places of worship and cemeteries.
 - (7) Public utility uses, public services and emergency warning systems.
 - (8) Public parks and recreation areas dedicated to the public use.
 - (9) Libraries, museums, memorials and art galleries.
 - (10) Public elementary and secondary schools, colleges, universities and vocational schools.
 - (11) Police and fire stations, and rescue squad and ambulance services.

(12) Post offices and court buildings.

PART VI: COMMERCIAL DISTRICTS

SECTION 404.027 Commercial Office (C-O) District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Commercial Office (C-O) District.
- (1) Offices or business uses relative to services offered by lawyers, accountants, appraisers, brokers, realtors, insurance agents and uses of similar character.
 - (2) Offices or business uses relative to services offered by engineers, architects, landscape architects, interior decorators and uses of similar character.
 - (3) Artists, photographers and sculptors.
 - (4) Authors, writers and composers.
 - (5) Physicians, dentists, chiropractors, excluding facilities where significant diagnostic or out patient surgery is performed.
 - (6) Art, dance and music teachers.
 - (7) Museums, libraries, galleries and exhibit halls.
 - (8) Administrative offices relative to contract services provided to federal, state and local agencies.
 - (9) Churches and other similar places of worship.
- B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Commercial Office (C-O) District upon final approval of the Board of Aldermen.
- (1) Bank, Mortgage Company and credit union.
 - (2) Daycare centers and pre-schools.
 - (3) Recreation centers and swimming pools.

SECTION 404.028 Neighborhood Commercial (C-1) District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Neighborhood Commercial (C-1) District.

- (1) Permitted uses authorized within a Commercial Office (C-O) district.
- (2) Antique shops, picture frame shops, craft stores, book and stationary stores.
- (3) Beauty parlors, barber shops, hearing aid and eyeglass shops, and other personalized services of similar character.
- (4) Community and family fitness centers.
- (5) Laundry and dry cleaning pick-up service, shoe repair and self-service laundry.
- (6) Tailor shops, and shops dealing in customized clothing to include silk-screening, iron-on transfers and uses of similar character and intensity.
- (7) Stand-alone business establishments that provide bakery goods, candy, dairy products, flowers, meat, poultry and fish products, newsstands, pet grooming, and video rentals without the use of drive-in or drive-through service.

B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Neighborhood Commercial (C-1) District upon final approval of the Board of Aldermen.

- (1) Conditional uses authorized within a Commercial Office (C-O) district.
- (2) Pharmacies.
- (3) Community treatment center.
- (4) Greenhouses, nurseries and garden shops.
- (5) Grocery stores.
- (6) Dress, clothing and shoe stores.
- (7) Hardware stores, excluding lumber, plumbing and electrical specialty stores.
- (8) Veterinary clinic, excluding animal hospitals.

SECTION 404.029 General Commercial (C-2) District

A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the General Commercial (C-2) District.

- (1) Permitted uses authorized within a Neighborhood Commercial (C-1) district.

- (2) Athletic clubs.
- (3) Auto repair, body and paint shops, radiator repair.
- (4) Car/truck wash establishments.
- (5) Automobile sales and service, including tire sales, and rental of new or used vehicles (outside display permitted).
- (6) Automobile service stations or garages, including sales of petroleum products.
- (7) Automobile parts and accessory stores, including installation and repair.
- (8) Boat and marine sales and service.
- (9) Bowling alleys.
- (10) Cold storage and self or mini-storage facilities.
- (11) Restaurants with or without drive-through services.
- (12) Funeral homes, excluding crematoriums.
- (13) Furniture and/or appliance stores (new and used), sales and service, including rentals.
- (14) Heating and air-conditioning sales and service, including customized sheet metal fabrication as an accessory activity.
- (15) Hotels and motels, and extended stay motels.
- (16) Medical equipment and supplies sales and rental.
- (17) Miniature golf courses and driving ranges.
- (18) Monument sales, retail dealers (outside display permitted).
- (19) Pest control services.
- (20) Pet shops, animal hospitals, clinics and kennels.
- (21) Plumbing and electrical shops.
- (22) Printing, publishing, bookbinding, and photo processing, including drive-through facilities.

- (23) Produce market, retail (outside display permitted).
 - (24) Radio, camera and television repair shops.
 - (25) Recreation vehicle or mobile home sales or service (outside storage permitted).
 - (26) Telemarketer's.
 - (27) Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.
 - (28) Retail establishments which provide supplies and/or services primarily to commercial and industrial customers, such as janitorial services, packaging and shipping service, locksmith services, lithographing and engraving, and blueprinting businesses.
 - (29) Recording studios.
 - (30) Second hand goods store and pawn shops, excluding outside display of merchandise.
 - (31) Skating rinks, swimming pools, gymnasiums.
 - (32) Sporting goods sales.
 - (33) Taxi and limousine services.
 - (34) Theaters, motion picture and performing arts.
 - (35) Video game arcades and indoor amusement centers.
- B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the General Commercial (C-2) District upon final approval of the Board of Aldermen.
- (1) Conditional uses authorized within a Neighborhood Commercial (C-1) district.
 - (2) Second hand or used car sales yard, not including wrecking and repairing (outside display permitted).
 - (3) Bars, cocktail lounges, and nightclubs (including dance halls).
 - (4) Adult business and adult entertainment as defined in Chapter 401.
 - (5) Billiard or pool halls.
 - (6) Convenience stores, with or without gas pumps.

- (7) Package liquor stores.
- (8) Cabinet or carpentry shop, welding and machine shop.
- (9) Advertising services (sign shop).
- (10) Laboratories and other facilities of similar character, excluding facilities performing manufacturing operations.
- (11) Radio and television stations.
- (12) Telecommunication facilities, towers and antennas.
- (13) Bus stations and terminals.

PART VII: INDUSTRIAL DISTRICTS

SECTION 404.031 I-1 Industrial (Light-Hazard) Zoning District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Industrial Light-Hazard (I-1) District.
 - (1) Permitted uses authorized within a General Commercial (C-2) district.
 - (2) Temporary emergency construction facilities.
 - (3) Construction contractor's shop including, but not necessarily being limited to, plumbing, electrical, sign, painting, building, mechanical, sheet metal, foundation, cabinet making or roofing contractor's shop.
 - (4) Self-storage and mini storage units, and other uses of a similar character which allow the storage of heavy construction equipment, boats, travel trailers, or motor vehicles.
 - (5) Trade or vocational schools.
 - (6) Motor vehicle sales or rental, mobile home sales, sales with installation of motor vehicle parts or accessories, motor vehicle repair and maintenance (not including substantial body work).
 - (7) Motor vehicle painting and bodywork.
 - (8) Automobile parking garages and parking lots not located on a lot which there is another principle to which parking is located.

- (9) Storage of goods not related to sale or use of those goods on the same lot where they are stored.
 - (10) Parking of vehicles or storage of equipment outside enclosed structures where (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking and storage is more than a minor and incidental part of the overall use made by the lot.
 - (11) Scrap materials, salvage yards, junkyards, and automobile graveyards, recycling industries.
 - (12) Veterinarian, animal hospital where kennels, pens and other facilities for the care treatment of animals are located within or outside a completely enclosed building.
 - (13) Kennels, pens and other facilities for the care treatment of animals are located within or outside a completely enclosed building.
 - (14) Commercial greenhouse operations.
 - (15) Moving companies that conduct operations associated with the transportation and temporary storage of household effects.
 - (16) Temporary structures used in connection with the construction of a permanent building for some nonrecurring purpose.
 - (17) Gas stations, car washes.
 - (18) Towers or antennas less than 50 feet in height.
- B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Industrial Light-Hazard (I-1) District upon final approval of the Board of Aldermen.
- (1) Conditional uses authorized within a General Commercial (C-2) district.
 - (2) Churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings, but not including elementary school or secondary school buildings), which are not located within 500 feet to an adjacent moderate hazard principle use.
 - (3) Lumberyard.
 - (4) Bakery.
 - (5) Bottling works.
 - (6) Wholesale establishment or warehouse.

- (7) Truck terminal.
- (8) Manufacture of textile products, such as rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.
- (9) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- (10) Manufacture or assembly of metal or fiberglass products, such as boats, vehicles, farm equipment, auto or machine parts, satellite receivers, nails, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled products.
- (11) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- (12) Preparation, processing, canning, or bottling of food or beverage products, such as bakery products, candy, dairy products and ice cream, fruit and vegetable, fish, meat and poultry products.
- (13) Manufacture or assembly of wood products, such as boxes, furniture, cabinets, baskets, and other wood products of similar nature.
- (14) Tire Recapping.
- (15) Recycling Collection Station.
- (16) Stockyards, slaughterhouses, rendering plants.
- (17) Automobile and motorcycle racing tracks.
- (18) Drive-in movie theaters.
- (19) Penal and correctional facilities.
- (20) Police stations.
- (21) Fire stations.
- (22) Rescue squads, ambulance services.
- (23) Civil defense operation.
- (24) Neighborhood utility facilities.

- (25) Community or regional facilities.
- (26) Mining or quarrying operations (including on-site sales of products).
- (27) Airports.
- (28) Sanitary landfill.
- (29) Military reserve, National Guard centers.
- (30) Towers or antennas in excess of 50 feet in height

SECTION 404.033 I-2 Industrial (Moderate Hazard) Zoning District

- A. The proceeding land uses are hereby designated as permitted uses to be located or developed within the Industrial Moderate-Hazard (I-2) District.
 - (1) Permitted uses authorized within a Industrial Light-Hazard (I-1) district.
 - (2) Contractors or storage yard enclosed by a fence.
 - (3) Welding or machine shop.
 - (4) Motor vehicle painting and bodywork.
 - (5) Moving companies that conduct operations associated with the transportation and temporary storage of household effects.
 - (6) Motor vehicle sales or rental, mobile home sales, sales with installation of motor vehicle parts or accessories, motor vehicle repair and maintenance (not including substantial body work).
- B. The proceeding land uses are hereby designated as conditional uses that may be located or developed within the Industrial Moderate-Hazard (I-2) District upon final approval of the Board of Aldermen.
 - (1) Conditional uses authorized within a Industrial Light-Hazard (I-1) district.
 - (2) Indoor and Outdoor Sports Arenas.
 - (3) Regional Corporate Distribution Centers.

CHAPTER 405 NONCONFORMING SITUATIONS

This Chapter shall delineate the requirements for which legal nonconforming situations within the City of St. Robert may be allowed to continue.

SECTION 405.001 Definitions

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Chapter.

- ❖ **Dimensional Nonconformity.** A nonconforming situation that occurs when the height, size or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- ❖ **Effective Date of this Regulation.** Whenever this Chapter refers to the effective date of this Regulation, the reference shall be deemed to include the effective date of amendments to this Regulation if the amendment, rather than the Regulation as originally adopted, creates a nonconforming situation.
- ❖ **Expenditure.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- ❖ **Nonconforming Lot.** A lot existing at the effective date of this Regulation (and not created for the purposes of evading the restrictions of this Regulation) that does not meet the minimum area requirement of the district in which the lot is located.
- ❖ **Nonconforming Project.** Any structure, development, or undertaking that is incomplete at the effective date of this Regulation and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
- ❖ **Nonconforming Sign.** A sign that, on the effective date of this Regulation does not conform to one or more of the guidelines set forth in this Regulation.
- ❖ **Nonconforming Use.** A nonconforming situation that occurs when property is used for a purpose or in a manner made incompatible by the permitted use regulations applicable to the zoning district in which the property is located (For example, a commercial office building in a residential district may be a nonconforming use). The term also refers to the activity that constitutes the use made of the property. (For example, all the activities associated with running a bakery in a residentially zoned area is a nonconforming use.)
- ❖ **Nonconforming Situation.** A situation that occurs when, on the effective date of this Regulation, an existing lot or structure, or use of an existing lot or structure does not conform to one or more of the regulations applicable to the zoning district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum area requirements, because

structures exceed maximum height limitations, because the relationship between buildings and the land (in such matters as density and setback requirements) is not in conformity with this Regulation, or because land or buildings are used for purposes made unlawful by this Regulation. Nonconforming signs shall not be regarded as nonconforming situations for purposes of this Chapter.

❖ Regulation. St. Robert Land Development Regulations (Ord. No. 309, § 8-7-89).

SECTION 405.003 Continuation of Nonconforming Situations and Completion of Nonconforming Projects

- A. Except as otherwise provided herein, nonconforming situations that lawfully existed on the effective date of this Regulation may be continued although such use does not conform to the provisions of the zoning district in which it is located. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building, which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Regulation.
- B. Nonconforming projects authorized prior to the adoption of this Regulation may be completed as approved.
- C. Nonconforming situations existing at the time of annexation to the City may be continued, subject to the provisions of this Chapter.
- D. Whether a nonconforming use legally existed shall become a question of fact, the matter shall be decided by the Board of Adjustment in accordance with the guidelines set forth in this Regulation.
- E. Whenever the use of a building becomes nonconforming through a change in zoning district boundaries, such use may be continued subject to the limitations stated in Section 405.013 (Abandonment and Discontinuance of Nonconforming Situations).
- F. In the event an estate is filed in probate court, to which a legal nonconforming situation is a part of said estate, the nonconforming situation that existed on the effective date of this Regulation may be continued upon final adjudication of the probate court proceedings under the following conditions:
 - (1) That no such nonconforming situation shall in any way be extended or enlarged either on the same or adjoining property.
 - (2) That upon final adjudication by the probate court, a nonconforming situation shall not have remained vacant, unoccupied or abandoned for more than six (6) months after final disposition of the estate.

- (3) That a building inspection shall be performed by the City Building Department to ensure that the nonconforming situation, which involves any building or structure, is structurally sound and safe for continued use.

G. Any mobile home court that lawfully existed on the effective date of this Regulation may be continued, although such use does not conform to the provisions of the zoning district in which it is located, under the following conditions subject to the limitations stated in Section 405.013 (Abandonment and Discontinuance of Nonconforming Situations):

- (1) That no such nonconforming use of land shall in any way be extended or enlarged either on the same or adjoining property.
- (2) That no such nonconforming use of land shall in any way have additional spaces or manufactured units added to it which did not previously exist thus creating an enlargement of the original nonconforming situation.
- (3) That existing manufactured units may be replaced with a similar structure of a equal size and newer model, so long as the replacement does not create new nonconformity or increase the extent of existing nonconformity's with respect to such matters as setback and parking requirements, and the replacement occurs within a period of ninety (90) days.
- (4) That existing spaces may be utilized if not left vacant, unoccupied or abandoned for a period of twelve (12) months. After which, said spaces shall thereafter remain vacant.
- (5) No existing manufactured units shall be moved in whole or part and relocated to any other location on the same lot.
- (6) That if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land or portion thereof shall be in conformity with the provisions of this Regulation.

H. The nonconforming use of land existing at the time of the effective date of this Regulation may be continued under the following conditions:

- (1) That no such nonconforming use of land shall in any way be extended either on the same or adjoining property.
- (2) That if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land or portion thereof shall be in conformity with the provisions of this Regulation.

SECTION 405.005 Nonconforming Lots

- A. In a “R” residential district, when a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, such as setbacks, except that the lot is smaller than the required minimums (Minimum Lot Size), then the lot may be used for a single-family dwelling.
- B. When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements cannot be reasonably complied with, then the entity authorized by this Regulation to issue a permit for the proposed use (Board of Adjustment) may allow deviations from the applicable setback requirements if it finds that:
 - (1) The property cannot reasonably be developed for the use proposed without such deviations,
 - (2) These deviations are necessitated by the size or shape of the nonconforming lot, and
 - (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.
- C. For purposes of Subsection B, compliance with applicable building setback requirements is not reasonably possible if a building cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- D. This section applies only to undeveloped nonconforming lots in existence on the effective date of this Regulation. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 405.011.
- E. Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots so be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

SECTION 405.007 Extension or Enlargement of Nonconforming Situations

- A. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of an existing nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - (1) An increase in the total amount of land or floor space devoted to the original nonconforming use, or

- (2) Greater enlargement with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking requirements.
- B. Subject to Subsection D, a nonconforming use may extend throughout any portion of a completed building that, when the use was made nonconforming by this Regulation, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.
 - C. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g. a quarry operation) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if 10 percent or more of the earth products had already been removed on the effective date of this Regulation.
 - D. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.
 - E. Notwithstanding Subsection A, any manufactured home used for single-family residential purposes and maintained as a legal nonconforming use on an individually owned lot may be replaced with a similar structure under the following conditions subject to the limitations stated in Section 405.013 (Abandonment and Discontinuance of Nonconforming Situations).
 - (1) The owner referred to here in above shall have occupied the existing mobile home, prior to replacement, for a continuous period of no less than twelve (12) months.
 - (2) The manufactured home, which is intended to replace the existing manufactured home, shall be replaced within 90 days and with a newer model. The replacement shall not create new nonconformity's or increase the extent of existing nonconformity's with respect to such matters as setback and parking requirements.
 - (3) That no such nonconforming use of land shall in any way be extended or enlarged either on the same or adjoining property.
 - F. Whenever (i) there exists a lot with one or more structures on it, and (ii) a change in use that does not involve any enlargement of a structure that is proposed for such lot, and (iii) the off-parking or loading requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall be required to obtain satellite parking in accordance with Section 416.019 if such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or

conditional use permit is granted, the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

SECTION 405.009 Repair, Maintenance, and Reconstruction

- A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.
- B. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity, or act of God, shall not be again restored or used for such purpose if the expense of such restoration exceeds 50% of the replacement cost of the building or structure at the time such damage occurred. Any nonconforming building or structure partially destroyed may be restored provided restoration is started within six months of the date of partial destruction and is diligently prosecuted to completion. Whenever a nonconforming building or structure is damaged in excess of 50% of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the district in which it is located, and it shall be treated as a new building.
- C. For purposes of Subsections A and B:
 - (1) The “cost” of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
 - (2) The “cost” of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsections A or B by doing such work incrementally.
 - (3) The “appraised valuation” shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.
- D. The City Building Department may issue a permit authorized by this section if it is found that, in completing the renovation, repair, or replacement work:
 - (1) No violation of Section 405.007 will occur, and
 - (2) The permittee will comply to the extent reasonably possible with all provisions of this Regulation applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use), and all building code requirements of the City are met.
- E. Compliance with a requirement of this Regulation is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained, or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements, as paved parking, does not constitute grounds for finding that compliance is not reasonably possible.

- F. An existing structure housing a nonconforming use shall not be enlarged nor structurally altered except under the following conditions:
- (1) Alteration is for the express purpose of converting the structure to a conforming use upon issuance of an approved building permit.
 - (2) Alteration will ensure compliance with the building code requirements of the City, but such alteration shall only be permitted to the extent minimally necessary to bring the structure into compliance with the building code regulations.
 - (3) Repairs and nonstructural alterations may be made to a nonconforming building upon issuance of an approved building permit.
 - (4) Where there may be a change in tenancy, ownership or management of a structure which houses a nonconforming use upon final clearance of a change of occupancy inspection.
 - (5) A parking area on a lot with a nonconforming building may be paved.
 - (6) A fence may be erected in accordance with the provisions of Regulation on a lot with a nonconforming building.
 - (7) Nothing contained in exceptions 1 through 6 above shall be construed to permit an enlargement of a nonconforming building.
- G. No existing building devoted to a use not permitted by this Regulation in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located.

SECTION 405.011 Change in Use of Property Where a Nonconforming Situation Exists

- A. A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning, or conditional use permit in accordance with Chapter 406 may not be made except in accordance with Subsection B through D.
- B. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Regulation applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Regulation is achieved, the property may not revert to its nonconforming status.
- C. If the intended change in use is to a principal use, but all the requirements of this Regulation applicable to that principle use cannot reasonably be complied with, then the change may be allowed if the Land Use

Administrator issues a permit authorizing the change. This permit may be issued if the Land Use Administrator finds, in addition to any other findings that may be required by this Regulation, that:

- (1) The intended change will not result in a violation of Section 405.007, and
- (2) All of the applicable requirements of this Regulation can reasonably be complied with. Compliance with a requirement of this Regulation is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements, as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformity's would thereby be created.

D. Change to another nonconforming use. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the permit issuing authority authorized by this Regulation to issue a permit for the particular use (Board of Aldermen) issues a permit authorizing the change. The permit issuing authority may issue the permit if it finds that all of the following conditions are met:

- (1) The use requested is one that is permissible in the zoning district in which it is located with either a zoning or conditional use permit; and
- (2) All of the conditions applicable to the permit authorized in Subsection C, above, are satisfied; and
- (3) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

SECTION 405.013 Abandonment and Discontinuance of Nonconforming Situations

- A. When a nonconforming use, building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied, or is discontinued, for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes, and shall comply with all of the regulations applicable to the zoning district in which the property is located. Clear intent upon the part of the owner to abandon the nonconformity shall thereafter return the property to the regulations of the zoning district in which it is located.
- B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall

terminate the right to maintain it thereafter.

- C. When a structure or operation made nonconforming by this Regulation is vacant or discontinued at the effective date of this Regulation, the 180-day period for purposes of this section begins to run on the effective date of this Regulation.
- D. The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

CHAPTER 406 ZONING APPLICATIONS

PART I GENERAL REQUIREMENTS

SECTION 406.001 Permits Required

- A. Subject to the requirements of this Chapter, the use made of vacant property may not be substantially changed, through the clearing, grading, or excavation of any land, nor may any buildings, accessory structures, streets, curbs and gutters, sidewalks, or utilities be constructed, erected, installed, moved, or substantially altered, except in accordance with and pursuant to one of the following:
 - (1) Issuance of a zoning permit.
 - (2) Issuance of a conditional use permit.
 - (3) Approval of a residential or nonresidential subdivision plat.
- B. Zoning permits and conditional use permits are issued under this Regulation only when a review of the application submitted, including the plans contained therein, indicate that the development will comply with the provisions of this Regulation and is completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided for in this Regulation, all developments shall occur strictly in accordance with such approved plans and applications.
- C. Physical improvements to land to be subdivided, including the installation of utilities and construction of streets, may not commence until the master plan, final plat, engineered plans and specifications have been reviewed and approved in accordance with all the requirements of these Regulations.
- D. Permits shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit issuing authority for the permits issued in Subsection 406.001A.
- E. Zoning application fees shall be paid at the time of filing and made out to the order of “City of St. Robert” in the form of a money order or personal check.

SECTION 406.003 Relationship to Building Permit Process

The process of obtaining a building permit is a separate permit process governed by the provisions of the adopted building codes of St. Robert. The issuance of building permits may be restricted to the provisions in these Regulations, in that in order to obtain the necessary building permits, the provisions of these Regulations must be met.

SECTION 406.005 Who May Submit Applications

- A. Zoning applications will be accepted only from persons having the legal authority to take action in accordance with the permit approval. In general, this means that applications shall be made by the owners of property, or their designated agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Chapter, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
- B. The Land Use Administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection A whenever there appears to be a reasonable basis for questioning this authority.

SECTION 406.007 Applications to be Complete

- A. All zoning applications must be complete, and the appropriate filing fee paid, before the permit application will be accepted for formal processing and review.
- B. Subject to Subsection C, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Chapter.
- C. Detailed or technical design drawings and construction specifications relating to various types of improvements (such as streets, sidewalks, utilities, etc.) are set forth in the St. Robert Infrastructure Development Regulations.
- D. No construction work on any development covered by one or more of these chapters may commence until the necessary plans and specifications have been submitted to and approved by the City. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided for in this Regulation.
- E. The presumption established by this Chapter is that all of the information set forth in succeeding chapters of this Regulation is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications, submitted to the Planning and Zoning Commission or Board of Aldermen, the applicant may rely in the first instance on the recommendations of the Land Use Administrator as to whether more or less information than that set forth in other chapters of this Regulation should be submitted.
- F. The Land Use Administrator shall develop application forms, instructional sheets, development checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. Where a minimal amount of information is necessary to enable the Administrator to determine compliance with this Chapter, such as applications for zoning permits and conditional use permits, the Administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

SECTION 406.009 Consultation Before Formal Application Submission

To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Regulation, pre-application consultation between the applicant and the Land Use Administrator is encouraged prior to the formal submission of a any zoning application.

SECTION 406.011 Application Review After Submission

- A. Upon receipt of a formal zoning application, the Land Use Administrator shall review the application and confer with the applicant to ensure that he understands the Administrator’s interpretation of the applicable requirements of this Chapter, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposed to do.
- B. The Land Use Administrator shall place the application on the agenda of the Planning and Zoning Commission when the applicant indicates that the application is as complete as he intends to make it. However, as provided in Section 406.029 (Commission Review of Applications for Conditional Use Permits) if the Administrator believes that the application is incomplete, he shall recommend to the Planning and Zoning Commission that the application be tabled on that basis until the application is made complete.

SECTION 406.013 Burden of Presenting Evidence; Burden of Persuasion

- A. The burden of presenting a complete application shall be upon the applicant. However, unless the applicant is informed prior to the meetings or hearings in what way the application is incomplete and is offered an opportunity to complete the application (either at the meeting or at a continuation meeting or hearing) the application shall be presumed to be complete.
- B. Once a completed application has been submitted, the burden of presenting evidence to the Planning and Zoning Commission and the Board of Aldermen sufficient for the respective members to conclude that the application should be denied shall be upon the party or parties urging this position.
- C. The burden of persuasion on the issue of whether development, if completed as proposed, will comply with the requirements of this Regulation remains at all times on the applicant. The burden of persuasion on the issue whether the application should be turned down rests on the party or parties urging that the requested permit should be denied.

SECTION 406.015 Expiration of Permits

- A. If either of the following situations occurs, zoning permits shall expire automatically within one year after the issuance of such permit. Conditional use permits shall expire automatically within two years after the issuance of such permit:

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
 - (2) Less than 10 percent (10%) of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased developments this requirement shall apply only to the first phase.
- B. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the permit authorizing such work shall immediately expire.
- C. The Board of Aldermen may extend for a period up to six months the date when a permit would otherwise expire pursuant to Subsections A or B if it concludes that: (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed substantially as to warrant a new application. Successive extensions may be granted without resort to the formal processes and fees required for a new permit.
- D. For purposes of this section, a conditional use permit is deemed issued when the Board of Aldermen votes to approve the application and authorize the development.

SECTION 406.017 Amendments to and Modifications of Permits

- A. Minor deviations from the permit (including deviations from the approved plans) issued are permissible and the Land Use Administrator may authorize such insignificant deviations. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- B. All other requests for changes in approved plans will be processed as new applications. During its review of the new application, the Board of Aldermen may impose new conditions, in accordance with Section 406.025 (Additional Requirements on Conditional Use Permits), but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- C. The Land Use Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in Subsections A or B.
- D. A developer requesting approval of changes, other than minor deviations, shall submit a written request for such approval to the Land Use Administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

SECTION 406.019 Developer Responsibilities

The developer has the duty of compliance with reasonable conditions laid down by the Commission and the Aldermen for the design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the city, and to promote the safety and general welfare of the future lot owners in residential and nonresidential subdivisions and of the community at large; the subdivision of land being a privilege conferred through these Regulations. The recipient or successor of any zoning permit or conditional use permit, shall be responsible for maintaining all common areas, improvements, infrastructures or facilities required by this Regulation or any permit issued in accordance with its provisions, until such time as the offer of dedication to the public has been accepted by the Board of Aldermen. As illustrations, and without limiting the generality of the foregoing, this means that streets and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended; and any vegetation and trees required by this Regulation for screening or shading must be replaced if they die or are destroyed.

Section 406.021 Performance Contracts and Performance Bonds

- A. A developer shall be required to complete all improvements and utilities required by the council, and upon completion shall dedicate such improvements and utilities to the city, free and clear of all liens and encumbrances on the property or public improvements dedicated. The developer shall construct and complete all required improvements and utilities under one (1) of the following two (2) procedures, as may be designated by the council:
- (1) *Performance contract*. Prior to final plat approval, the council may require an agreement signed by the developer in which the developer guarantees completion of all required improvements within a reasonable period specified by the council. The obligations of the developer under the agreement shall not be assigned without the express written consent of the council. Upon the breach of any part of the agreement by the developer, the council may at its option pursue any legal or equitable remedy necessary to ensure completion and payment by the developer for the required improvements and utilities.
 - (2) *Performance bond*. Prior to final plat approval, the council may require a bond or such other surety, as it may deem appropriate to secure such construction to be completed within a reasonable period specified by the council and expressed in the bond or other surety, in an amount and with surety and conditions satisfactory to the council.
- B. When the Board of Aldermen imposes additional requirements upon the permit recipient in accordance with this Chapter or when the developer proposes in the plans submitted to install amenities beyond those required by this Regulation, the Board of Aldermen may authorize the permit recipient to commence the intended use of the property or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if a performance contract or performance bond has been provided to the satisfaction of the council.
- C. With respect to subdivisions in which the developer is selling only undeveloped lots, the Board of Aldermen may authorize final plat approval and the sale of lots before all the requirements of this

Regulation are fulfilled if the subdivider provides a guarantee of performance, such as a performance contract, performance bond, or other such security satisfactory to the Board of Aldermen to ensure that all of these requirements will be fulfilled within not more than 24 months after final plat approval.

Section 406.023 Completing Development in Sections, Tracts or Phases

If an owner intends to develop a parcel of land for residential or nonresidential purposes, and it is to be developed in sections, tracts, or phases, then the provisions of Chapter 407 (Subdivision Developments) shall apply.

PART II CONDITIONAL USE PERMITS

SECTION 406.025 Conditional Use Permits

- A. The principal objective of these Regulations is to provide for an orderly arrangement of compatible buildings and land uses, and for proper location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more zoning district established by these Regulations. However, in addition to those uses specifically classified and permitted in each zoning district, there are certain additional uses which it may be necessary to allow because of unusual characteristics they provide to the public. These conditional uses require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the City of St. Robert. The conditions controlling the locations and operation of such conditional uses are established by the applicable sections of these Regulations.
- B. An application for a conditional use permit shall be filed with the Land Use Administrator. The application shall be filed on forms prescribed for that purpose.
- C. Upon receipt of an application for a conditional use permit, the Land Use Administrator shall:
 - (1) Immediately note the date of filing and make a permanent record of the application and information required to be submitted.
 - (2) Check the application for completeness and accuracy.
 - (a) If the Land Use Administrator determines that the application does not comply with minimum application requirements, the applicant shall be notified and required to submit additional information or otherwise correct any noted deficiencies within 15 calendar days from the Land Use Administrator's letter. If the deficiencies are not corrected within the 15-day period, the Land Use Administrator shall return the application to the applicant.
 - (b) The Land Use Administrator shall accept the application for a conditional use permit, and certify it as complete if all pertinent requirements are met, and required plans and supporting documentation are provided.

- (3) Process the application by forwarding the submitted plans and other supporting documentation through the various City departments for review and comment.
- D. Upon accepting the application for a conditional use permit, the Land Use Administrator shall note the date on which the application was accepted, and shall:
- (1) Notify, in writing, the adjacent property owners named in the application of the conditional use permit, and the date of the Planning and Zoning Commission meeting at which the application will be considered. The notices shall be mailed, or otherwise delivered, at least 15 calendar days before the date of said Commission meeting.
 - (2) Place the matter on the agenda of the Planning and Zoning Commission. In order for the matter to be considered at the next Commission meeting, the public notice requirements must be satisfied.
- E. Review Procedure. There are three components to the review procedure for conditional use permits:
- (1) Staff review.
 - (2) Planning and Zoning Commission consideration and recommendation.
 - (3) Board of Aldermen review and determination.
- F. Staff review. If the staff finds that the application fails to comply with the requirements of this Regulation, or additional City regulations, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings. The staff report shall include recommendations (if any) for additional requirements to be imposed.
- G. Planning and Zoning Commission review. The Planning and Zoning Commission shall issue its findings and recommendations to the Board of Aldermen for final determination.
- H. The Board of Aldermen shall grant or deny each application for a conditional use permit, after a public hearing is held to provide all interested and effected persons an opportunity to voice their comments and concerns.

SECTION 406.027 Additional Requirements on Conditional Use Permits

- A. The Planning and Zoning Commission may recommend to the Board of Aldermen that conditional requirements be attached to the approval of the permit, when such stipulations are deemed necessary to safeguard existing permitted developments and uses in the district; to retain a visual compatibility with the permitted uses and developments in the surrounding area; or to preserve the public health, safety, and general welfare of the City of St. Robert. In recommending such conditions, the Planning and Zoning Commission may suggest the following additional restrictions be imposed on the development, in compliance with the following guidelines:

- (1) Height Limitations for Structures. The total height of any structure shall be limited by the conditions governing the particular development or use authorized by the conditional use permit. However, the total height of any structure authorized by conditional use permits shall not exceed the least restrictive regulations of the particular zoning district in which the conditional use is located unless building code height and area limitations design criteria can be met.
- (2) Lot Area, Lot Dimension, Development Limitations, and Yard Requirements. Any development or use authorized by a conditional use permit shall abide by the lot area, lot dimension, development limitation, and yard requirements of the particular zoning district in which the conditional use or development is located. However, these requirements may be made more restrictive in the conditions governing the particular development or use authorized by the conditional use permit.
- (3) Off-street Parking and Loading Requirements. The minimum off-street parking and loading requirements, including required setbacks for parking areas, loading spaces, and internal drives for any development or use authorized by a conditional use permits shall not be reduced below the minimum off-street parking requirements. However, these requirements may be made more restrictive in the conditions governing the particular development or use authorized by a conditional use permit.
- (4) Sign Regulations. Specific sign regulations may be established in the conditions governing the particular development or use authorized by a conditional use permit in accordance with the provisions of this Regulation. However, in no instance shall they be less restrictive than the sign regulations of the particular zoning district in which the conditional use or development is located.
- (5) Time Limitations. The Planning and Zoning Commission may recommend a provision limiting the permit to a specified time or duration. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed for renewal, in accordance with the provisions of this Chapter. If no time limit is specified on the permit issued by the Board of Aldermen, the conditional use permit shall be valid for a period not to exceed 24 months.
- (6) Any additional conditions or requirements authorized by this Chapter are enforceable in the same manner and to the same extent as any other applicable requirement of this Regulation.

SECTION 406.029 Commission Review of Applications for Conditional Use Permits.

- A. When presented to the Planning and Zoning Commission, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 406.007 (Applications to be Complete) or any other requirement of this Regulation, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

- B. The Planning and Zoning Commission shall consider the application and the attached staff report in a timely fashion, and hear from the applicant or members of the public.
- C. The Planning and Zoning Commission may take separate votes on whether additional conditions or requirements should be attached to the permit, before it considers whether the permit should be denied for any of the reasons set forth in Subsection 406.031 (Commission Action).
- D. After reviewing the application, the Planning and Zoning Commission shall report to the Board of Aldermen whether it concurs in whole or in part with the staff's proposed findings and conditions, and to the extent there are differences the Planning and Zoning Commission shall propose its own recommendations and the reasons therefore.
- E. In response to the Commission's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the staff may likewise revise its recommendations.

SECTION 406.031 Commission Action on Conditional Use Permits

- A. The Planning and Zoning Commission shall recommend to the Board of Aldermen approval of the requested conditional use permit, unless it concludes, based upon the information submitted at its meeting, that:
 - (1) The application is incomplete, or
 - (2) The requested permit is not compatible with adjoining land uses or would have a detrimental effect on adjacent property values, and the health, safety, and welfare of the community, or
 - (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Regulation.
- B. If the Planning and Zoning Commission concludes that the application fails to comply with one or more requirements of this Regulation, the Planning and Zoning Commission shall recommend that the application be tabled or denied. If the Commission concludes that all such requirements are met, it shall recommend to the Board of Aldermen that the application be approved.
- C. Even if the Planning and Zoning Commission finds that the application complies with all other provisions of this Regulation, it may still recommend denial of the permit if it concludes, based upon the information submitted at the meeting, that if completed as proposed, the development, more probably than not:
 - (1) Will materially endanger the public health or safety, or
 - (2) Will substantially impair the value of adjoining or abutting property, or
 - (3) Will not be in harmony with the area in which it is to be located, or

(4) Will not be in general conformity with the Comprehensive Plan.

- D. After the Planning and Zoning Commission has reviewed the application, it shall file a report with the Board of Aldermen in which the Commission shall outline its findings, and recommend to the Board of Aldermen whether each application for a conditional use permit be granted or denied, and state the reasons therefore.
- E. If the Commission makes no report within 60 days of the meeting at which the Commission reviewed the conditional use permit application, it shall be considered to have made a report approving the proposed conditional use permit.

SECTION 406.033 Board of Aldermen Review of, and Public Hearing on Conditional Use Permits

- A. An application for a conditional use permit shall be submitted to the Planning and Zoning Commission for action in accordance with this Chapter, before being presented to the Board of Aldermen. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the Planning and Zoning Commission has had an opportunity to consider the application pursuant to standard agenda procedures. In addition, at the request of the Planning and Zoning Commission, the Board of Aldermen may continue the public hearing to allow the Planning and Zoning Commission more time to consider or reconsider the application.
- B. When presented to the Board of Aldermen, the application shall be accompanied by two reports:
 - (1) A staff review report with supporting reasons for its proposed findings or conclusions.
 - (2) A report of the findings and recommendations of the Planning and Zoning Commission. If approval is recommended, the terms of any additional conditions recommended by the Planning and Zoning Commission shall be included. If the Commission makes no report within 60 days of the meeting at which the application for a conditional use permit was reviewed, it shall be considered to have made a report approving the conditional use permit.
- C. Public Hearing. A public hearing on the application shall be held by the Board of Aldermen in accordance with the provisions of this Regulation. This public hearing shall be held during the month's first regularly scheduled meeting of the Council.
- D. The Board of Aldermen shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete), then this shall be taken as an affirmative finding by the Board of Aldermen that the application is complete.
- E. The Board of Aldermen shall consider whether the application complies with all of the applicable requirements of this Regulation. If a motion to this effect passes, the Board of Aldermen need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be

made that the application be found not in compliance with one or more of the requirements of this Regulation. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Board of Aldermen to be unsatisfied through this process.

SECTION 406.035 Board of Aldermen Action on Conditional Use Permit Applications

- A. During the month's second regularly scheduled meeting of the Council, a vote will be taken on whether to approve or deny the applicants conditional use permit. In considering whether to approve an application for a conditional use permit, the Board of Aldermen shall proceed according to the following format:
 - (1) Will the use materially endanger the public health or safety, or
 - (2) Will the use substantially impair the value of adjoining or abutting property, or
 - (3) Will the use be in harmony with the area in which it is to be located, or
 - (4) Will the use be in general conformity with the Comprehensive Plan?
- B. If the Board of Aldermen concludes that the application fails to comply with one or more requirements of this Regulation, the application shall be denied. If the Board of Aldermen concludes that all such requirements are met, it shall approve the permit. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.
- C. Any additional conditions or requirements approved by the Board of Aldermen shall be entered upon the approval of the permit.
- D. If the Board of Aldermen does not take final action on the proposed conditional use permit within 120 days after the public hearing on the proposed permit, the permit shall be deemed denied.

SECTION 406.037 Protests to Conditional Use Permits

- A. If a petition opposing an application for a conditional use permit for any property is filed in accordance with the provisions of this Section, then the proposed conditional use permit may be approved only by a favorable vote of two-thirds of the membership of the Board of Aldermen.
- B. To trigger the two-thirds vote requirement, the petition must:
 - (1) Be signed by the owners of thirty (30) percent or more within an area determined by lines drawn parallel to and 185 feet distant from the property boundaries of the proposed conditional use location.

- (2) Be in the form of a written petition actually bearing the signatures of the required number of property owners and stating that the signers do protest the proposed conditional use permit. In addition to the required signatures, the petition shall contain the following information for each property owner signing the petition:
 - (a) Printed name.
 - (b) Property owner's mailing address.
 - (c) Address of the property within the area affected by the proposed conditional use.
- (3) Be received by the City Clerk no later than 10 calendar days after the public hearing.

SECTION 406.039 Reconsideration of Board Action

- A. Whenever the Board of Aldermen disapprove a conditional use permit application on any basis other than failure of the applicant to submit a complete application, such action may not be reconsidered by the Board of Aldermen for a period of one year unless the applicant clearly demonstrates that:
 - (1) Circumstances affecting the property that is the subject of the application have substantially changed;
 - (2) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Land Use Administrator within the time period for an appeal. However such a request does not extend the period within which an appeal can be taken.
- B. The Board of Aldermen may, at any time, consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from one previously considered.

SECTION 406.041 Applicant Burden of Proof

- A. Conditional uses are land uses which are considered by the City to be desirable or convenient to the community, but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons, thus creating noise or other pollutants, (3) a detrimental effect upon the value or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to public health and safety.
- B. In presenting any application for a conditional use permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following criteria:

- (1) The proposed conditional use complies with all applicable provisions of the district zoning regulations.
- (2) The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public and not adversely affect adjoining properties.
- (3) The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations or the city's comprehensive plan.
- (4) The applicant can demonstrate adequate provision for maintenance of the conditional use and associated structures.
- (5) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (6) The conditional use will not create undue traffic congestion or hazardous conflict points at points of intersection of the traveled way especially at those points where entrance drives intersect public streets. Traffic studies will be provided, at the developer's cost, to substantiate proposed traffic volume projections created by the conditional use.
- (7) The proposed uses where such developments or uses are deemed consistent with good planning practice which can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of St. Robert.

CHAPTER 407 SUBDIVISION DEVELOPMENTS

SECTION 407.001 Purpose

The purpose of this Chapter is to establish the minimum acceptable regulatory criteria for the subdivision of land with the City of St. Robert for residential or nonresidential developments. In addition to the criteria set forth in this Chapter, the statutory requirements delineated in Chapter 445 (Plats) and Chapter 448 (Condominium Property) of the Revised Statutes of Missouri shall also be met when a plat of development is presented before the Board of Aldermen for consideration.

SECTION 407.003 Definitions

For the purpose of this Chapter, the following words, terms and phrases shall have the meaning given herein:

- ❖ Building Line. A line or lines drawn on a plat designating the setback area adjacent to the street right-of-way, side and rear property lines inside of which no building or structure may be erected.
- ❖ Easement. A grant by the property owner to the public, a corporation or persons, of a strip of land for specific purposes.
- ❖ Plat. An accurate drawing or map of the land proposed to be subdivided.
- ❖ Preliminary Plat. The preliminary map indicating the proposed layout of the total subdivision, so designated on the plat and meeting the requirements of Section 407.017 of this Chapter.
- ❖ Final Plat. The final map of all or a portion of the subdivision, so designated on the plat and meeting the requirements of Section 407.019 of this Chapter, and prepared for official recording in the Recorder of Deeds of Pulaski County, Missouri.
- ❖ Subdivision. The division of land into two (2) or more smaller lots, tracts or parcels for the purpose of building, development or transfer of ownership, and/or the dedication or establishment of a public street or roadway. The term “subdivision” shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided. Subdivisions shall be further classified as follows:
 - (1) Minor Subdivision. Any subdivision containing not more than four (4) lots and not involving the creation of any new street or roadway.
 - (2) Major Subdivision. Any subdivision not classified as a minor subdivision.

SECTION 407.005 No Subdivision Without Plat Approval

- A. No person may subdivide his land except in accordance with all of the provisions of this Chapter. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been

approved by the Board of Aldermen of the City of St. Robert, and recorded in the Office of the Pulaski County Recorder of Deeds within sixty (60) days from the date the plat was formally approved.

- B. The Pulaski County Recorder of Deeds may not record a plat of any subdivision within the City of St. Robert unless the plat has been approved in accordance with the provisions of this Chapter.
- C. Division of land for agricultural purposes into parcels or tracts of five (5) acres or more shall be exempt from the requirements of this section, provided that it does not involve the dedication or reservation of any new streets or easements of access.
- D. A building permit shall not be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner herein described.

SECTION 407.007 Plat Approval Not Acceptance of Dedication Offers

Approval of a subdivision plat does not constitute formal acceptance by the City of St. Robert the offer of dedication of any streets, sidewalks, sanitary sewers, storm sewers, other utility infrastructures, parks, or other public facilities shown on a plat. The aforementioned offer of dedication will only be considered for acceptance by the Board of Aldermen when the owner/developer submits a formal request for acceptance to the Public Works Director after all dedicated areas have been constructed. An affidavit, from a registered engineer in the State of Missouri, must accompany the owner/developers written request, which shall affirm that all public improvements have been constructed in accordance with all standards and specifications of the City, and that all new streets have in fact been constructed within a platted right-of-way.

SECTION 407.009 Maintenance of Dedicated Areas Until Accepted

All facilities and improvements of major subdivisions, with respect to which the owner makes an offer of dedication to public use, shall be maintained by the owner until such offer of dedication is accepted by the City of St. Robert. After acceptance of the offer of dedication by the City, the owner shall be responsible for the abatement of any defects for a period of twelve (12) months after the date of acceptance by the City.

SECTION 407.011 Protection Against Defects

- A. Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then a performance bond or other surety that is posted with the City shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
- B. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvements that occur within one year after the offer of dedication of such facilities or improvements is accepted.

- C. A registered professional engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Regulation. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.

- D. For purpose of this section, “defects” refers to any condition in publicly dedicated facilities or improvements that requires the City to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this Regulation.

SECTION 407.013 Phased Subdivision Developments; Master Plan Requirements

- A. A subdivision may be developed in separate tracts, sections or phases which shall be successively numbered and identified under the name of the subdivision as Section, Tract or Phase One, Two, Three, etc. In such instance, the owner shall cause to be prepared by a registered surveyor a master plan of the entire subdivision showing the approximate location of all streets, and the public sanitary sewer and storm sewer drainage facilities contemplated and reasonably required to serve the entire subdivision.

- B. When a master plan of the subdivision is required, the owner shall cause three (3) copies thereof to be submitted to the Land Use Administrator at the time the preliminary plat of the first section, tract or phase is filed for approval. The Land Use Administrator shall distribute one print to the Director of Public Works and one copy shall be distributed to the City Building Department. The remaining copy shall be retained by the Land Use Administrator.

SECTION 407.015 Filing Fees

- A. The following schedule of fees shall be paid by all persons, corporations or companies submitting preliminary plats for approval by the Commission. Subject fees shall not exceed a maximum of three hundred (\$300.00) dollars:
 - (1) Single-family Residential Subdivision - \$25.00 plus \$2.00 per lot.
 - (2) Multiple-family Residential Subdivision - \$50.00 plus \$1.00 per dwelling unit.
 - (3) Commercial/Industrial Subdivisions - \$50.00 plus \$2.00 per acre.
 - (4) Vacation of easements or street right-of-ways - \$25.00.

- B. The fee shall be paid at the time the preliminary plat is filed with the Land Use Administrator, and shall be paid to the City Permit Clerk and made out to the order of “City of St. Robert” in the form of a check or money order.

- C. Fees shall apply to the processing and review of preliminary plats, master plans, infrastructure improvement plans and the final plat, providing that the final plat includes the same area to be subdivided as the preliminary plat.

SECTION 407.017 Preliminary Plat; Contents and Submission Procedure

- A. A owner who intends to subdivide land into lots for the purpose of sale and/or development or to dedicate land for streets, parks or other public use, shall have prepared by a registered surveyor a preliminary plat of the land within the subdivision, or the section, tract or phase to be developed first in accordance with the master plan of the development.
- B. As additional sections, tracts or phases of the subdivision are to be developed according to the master plan, a preliminary plat of each section, tract or phase shall be filed and all the provisions of this Chapter shall be observed.
- C. Plat Content. The preliminary plat which is submitted shall be drawn to a scale of not more than 1" = 100' and shall show the following information:
 - (1) The north point and scale.
 - (2) The location of all existing property lines, adjoining streets, storm sewers, water mains, sanitary sewer mains, gas mains, culverts or other underground structures and all existing or proposed easements and other existing pertinent features within the area to be subdivided.
 - (3) The name of all adjoining subdivisions, tract, parcel, and lot numbers.
 - (4) The proposed lot layout, location width and approximate grade of all streets, the zoning district or districts in which the land to be subdivided is located according to the current zoning district map of the City.
 - (5) The title under which the subdivision is to be recorded, the name of the owners of same, including the names of the officers of any corporate owner, and the name of the registered surveyor platting the tract of land to be subdivided.
 - (6) Contours shall be required for the proposed layout and shall be on an interval of not more than five (5) feet where ground slope is regular and such information is sufficient for planning purposes or an interval of not more than two (2) feet where land is irregular or there is a need for more detailed data.
 - (7) The location and direction of drainage of all watercourses and natural drainage channels, including acreage of water shed drainage into each storm drain structure.
 - (8) The proposed location of all sanitary sewers.

- (9) All proposed public areas and areas to be reserved as open space.
- (10) Each street shall be identified by its proposed street name.
- (11) The location of all existing and proposed utility lines and fire hydrants, streetlights and sidewalks, and service line crossings.

D. Submission Procedure.

- (1) The owner shall submit three (3) prints of the preliminary plat, and master plan as required by Section 407.011, to the Land Use Administrator's office a minimum of thirty (30) business days before the next regularly scheduled meeting of the Planning and Zoning Commission. The Commission meets on a regular basis the first Wednesday of each month, and a special meeting may be held at the call of the Chairman of the Planning and Zoning Commission.
- (2) One print of the preliminary plat will be transmitted to the Director of Public Works for routing to each Utility Department for staff review and comments. One print will remain with the Land Use Administrator for review and comment. The remaining print of the preliminary plat will be given to the Building Department for review and comment.
- (3) Upon completion of the staff review, the owner shall be notified in writing of the staff review comments and recommendations, and the date, time and location of the Planning and Zoning Commission meeting. All public notice requirements that may be mandated by other regulatory guidelines set forth in this Regulation shall be met at this time as well.
- (4) The owner's application seeking approval of the submitted preliminary plat will be scheduled on the Commissions agenda, and a copy of the preliminary plat, master plan if required, and staff review comments will be provided to the Commission in advance of the regularly scheduled meeting for review.
- (5) At the time and place of the Commission's meeting to consider the owners preliminary plat, the owner or his designated representative shall present a summary of the subdivision development before the Commission at an open public meeting. Attendance by the owner or designated representative is mandatory at the scheduled Commission meeting; otherwise the preliminary plat will be tabled until a future date.
- (6) At this time the Commission shall act upon the preliminary plat and approve, conditionally approve or disapprove the same.
- (7) If the Commission conditionally approves the plat, any findings, revisions, modifications, additions or deletions required of the owner by the Revised Statutes of Missouri and/or Sections 407.001 through 407.015 of this Chapter shall be identified by the Commission and submitted in writing to the Board of Aldermen for consideration. Such revisions, modifications, additions or deletions to the preliminary plat may relate to:

- (a) The width and alignment of streets,
 - (b) The type, capacity and location of sanitary sewers or storm sewer facilities,
 - (c) The location and capacity of all public facilities,
 - (d) The location, width and purpose of easements appearing on the preliminary plat or required by the City for public use,
 - (e) Lot sizes or lot layout, and
 - (f) Such other findings as, in the opinion of the Commission, may be in the public interest.
- (8) The Land Use Administrator shall submit a written report of the Commission's action to the owner. If the owner is aggrieved by the Commission's action, the owner may appeal to the City Board of Adjustments by filing said appeal with the Land Use Administrator within ten (10) days from the date thereof.
- (9) Within twenty (20) days of the filing of an appeal, the Board of Adjustments shall conduct a public hearing on the controversy in accordance with the procedures set forth in these Regulations and Chapter 89 of the Revised Statutes of Missouri.
- (10) If no appeal is filed, a copy of the Commission's report with a copy of the preliminary plat and staff review comments will be forwarded to the Board of Aldermen. At the first Council meeting following the Planning and Zoning Commission hearing, the Board of Aldermen shall consider the owners preliminary plat at an open public hearing. At which time the owner or his designated representative will present an overview of the intent of the proposed subdivision development, and comments presented by other interested parties and the general public will be heard. The Board of Aldermen shall declare its findings to approve, modify or reject the recommendation of the Commission.
- (11) Approval of the preliminary plat by the Board of Aldermen shall authorize the owner to prepare the final plat and complete engineering designs, subject to Section 407.017. Approval of the preliminary play does not constitute an approval of the plat for the purposes of recording, or for the sale and/or development of any tract or parcel of land within the area represented on the preliminary plat.

SECTION 407.019 Final Plat; Contents and Submission Procedure

- A. Plat Content. The final plat of the subdivision, or section or tract thereof, shall be drawn on a sheet 24" x 36", to a scale of not more than 1" = 100' and shall contain, or be accompanied by, the following information:

- (1) The title under which the land is to be recorded; if the plat is of a section, tract or phase of a subdivision, the identification of the subdivision section, tract or phase will be annotated.
- (2) The name of the owner or owners of the land platted and, if the owner is a corporation, the names of the officers thereof.
- (3) The name and registration number of the surveyor, registered in Missouri, who prepared the plat.
- (4) The classification of all land platted by zoning district classifications according to the current zoning map of the City.
- (5) The north point and scale.
- (6) The exterior boundaries of the land platted.
- (7) The right-of-way of all streets.
- (8) The location of all sidewalks.
- (9) The location of existing buildings and structures on the land to be platted.
- (10) The boundaries of all areas to be dedicated to public use, and in the manner in which the areas are to be used.
- (11) The right-of-way width and names of all streets, which adjoin the land shown on the plat.
- (12) The dimension of the lots, and the numbers (letters in re-subdivisions) of all lots on the plat.
- (13) The location of all building setback lines.
- (14) The location and dimensions of all utility easements, if any, on the plat.
- (15) All linear and angular dimensions necessary to locate the boundaries on the plat in relation to a section or quarter-quarter corner or line, or established in-lot or outlot line.
- (16) All linear and angular dimensions of all streets, lots, utility easements, sanitary sewer and surface water drainage easements, or other areas on the plat, and such linear dimensions shall be expressed in feet and decimals of a foot.
- (17) All radii, arcs, and chords, points of tangency and central angles for all curves and rounded corners on the plat.

(18) The location and description of all monuments and all street, lots or other area corners, intersections and all perimeter corner or angle points shall be marked with a suitable durable monument.

(19) Endorsements of certification shall be entered upon the final plat as listed herein:

Certificate of Ownership and Dedication.

I hereby certify that I am the owner of the property described and shown hereon, which property is located within the subdivision regulation jurisdiction of the City of St. Robert, that I have caused this property to be platted as shown hereon and that said property shall be known and designated as _____. I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is formally accepted by the City of St. Robert. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the St. Robert Board of Aldermen in the public interest.

Date

Owner(s)

(Notarized)

Certificate of Approval.

We hereby certify that all streets shown on this plat are within the City of St. Robert. All streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 24 months after the date below) has been assured by the posting of a performance bond or other sufficient surety.

Date

Chairman, Planning and Zoning Commission

Date

Land Use Administrator

Certificate of Approval by Board of Aldermen.

I hereby certify that the subdivision shown on this plat of _____, an addition to the City of St. Robert, Pulaski County, Missouri, is in all respects in compliance with the St. Robert Land Development Regulations, and that this plat was duly submitted, adopted, and approved by the Board of Aldermen of the City of St. Robert, Missouri, at a open public hearing of said Board of Aldermen on the ____ day of _____, 20____.

Date

(Name)
Mayor

Attest:

(Name)
City Clerk
(City Seal)

City Tax Release.

I hereby certify that all property taxes levied by the City of St. Robert against the real estate described on this plat have been paid in full of _____ and all prior years.

Date

(Name)
City Collector

County Tax Release.

I hereby certify that all property taxes levied by the County of Pulaski against the real estate described on this plat have been paid in full of _____ and all prior years.

Date

(Name)
Collector of Revenue

Recorder's Certificate.

This plat was filed for record in my office on this _____ day of _____. Plat filed at Plat Book Number _____, Page _____.

Date

(Name)
Recorder of Deeds

Surveyor's Certificate.

Affidavit and certificate by a qualified registered surveyor to the effect that he has fully complied with the requirements of these regulations and the subdivision laws of the State of Missouri governing surveying, dividing, and mapping the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.

(20) All restrictive covenants appearing upon and applying to any lots on the final plat shall be signed by the owner or owners, trustee, and mortgagees, if any, of the lots.

B. Submission Procedure.

- (1) Within six (6) months of the approval or conditional approval of the preliminary plat of a subdivision by the Council, the owner shall submit to the Land Use Administrator two (2) sets of prints of the final subdivision plat a minimum of thirty (30) business days before the next regularly scheduled meeting of the Planning and Zoning Commission. The Commission meets on a regular basis the first Wednesday of each month, and a special meeting may be held at the call of the Chairman of the Planning and Zoning Commission.
- (2) If the owner fails to file the final subdivision plat and engineering drawings within the six months after approval of the preliminary plat, the Commission shall, by written report vacate and set aside its previous report approving the preliminary plat. A copy of such report will be sent to the owner and forwarded to the Board of Aldermen. The report shall be final and unappealable.
- (3) The final plat will be accompanied by two (2) sets of construction specifications and final engineered prints of all streets, utility infrastructure and appurtenances, storm sewers and any other necessary conveyances, drawn to a scale of not more than 1" = 50' horizontally, and 1" = 10' vertically. All engineered plans will be designed and submitted in accordance with the requirements and criteria set forth in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works.
- (4) The owner shall submit to the Land Use Administrator a "read only" compact disk (CD), which contains copies of AutoCAD compatible drawing files. These files will be used to integrate the subdivision plat, streets and utility infrastructure into the City CAD/GIS system by the Land Use Administrator. The seal of the licensed design professional shall be affixed to the cover of the CD containing the following AutoCAD compatible files:
 - (a) A file copy of the master plan required by this Chapter.
 - (b) A file copy of the final subdivision plat to be approved.
 - (c) A file copy of all final engineered street plans.
 - (d) A file copy of all utility infrastructure plans.
 - (e) A file copy of all stormwater, erosion and sediment control plans required by this Regulation.
- (5) The submittal procedures set forth in this section will be followed for the procedures of seeking approval of the owners final subdivision plat.
- (6) At the first Council meeting following the Planning and Zoning Commission hearing, the Board of Aldermen shall consider the owners final plat at an open public hearing. At which time the owner or his designated representative must be present to address the Council. The Board of Aldermen shall declare its final findings to approve, modify or reject the recommendation of the Commission during

the second monthly meeting of the Board of Aldermen.

- (7) Approval of the final plat by the Board of Aldermen shall authorize the owner to commence development activities for the subdivision as proposed. Approval of the final subdivision plat will be verified by affixing the necessary signatures upon the certificates of endorsement for the purposes of recording, and as such the owner is then authorized to sell and/or development of any tract or parcel of land within the area represented on the final subdivision plat.

SECTION 407.021 Open Space Requirements

- A. All residential subdivisions shall, as part of the final plat process, dedicate land or an equivalent cash-in-lieu payment for open space for public use. This requirement shall apply to newly platted areas as well as areas that are being re-platted. Final determinations as to dedication of land, including location thereof, or acceptance of cash in lieu thereof, shall be made by the Board of Aldermen, upon recommendation by the Planning and Zoning Commission.
- B. Land areas proposed for dedication shall be shown on the preliminary plat for consideration by the City as part of the review and approval process. Dimensions, location and topographic features of the proposed open space shall be shown on the plat to permit a thorough review and determination of the flexibility and usability of the property. Prior to approval of a preliminary plat proposing the dedication of open space, the Planning and Zoning Commission shall review and make a recommendation on the acceptance of the proposed dedication.
- C. The area of such open space for public use shall be based upon a calculation of the anticipated residential population of the subdivision when fully developed, as follows:
 - (1) The area/population shall be at the rate of two and one half (2.5) acres of parkland per two hundred and fifty (250) persons.
 - (2) Such population shall be determined on the basis of three (3) persons per family unit for single-family and two-family developments, and two (2) persons per family unit in other multifamily areas.
- D. All plats should provide for the dedication of open space at locations designated in the "Parks and Open Space" element of the comprehensive plan. Further, the City shall review and evaluate proposed dedications based upon the criteria and standards contained in the "Parks and Open Space" element. If a proposed dedication does not meet the criteria and standards it may be rejected.
- E. The dedication of land for public use shall be conveyed by the developer in fee absolute title by warranty deed to the City of St. Robert. Such land shall be free of liens, special assessments and other encumbrances and shall have all taxes paid to the year of dedication. The location of boundaries of such land shall be marked with permanent monuments in accordance with the criteria for subdivision plat found in this Chapter.
- F. Payment of cash in lieu of such dedication shall be at the rate of eight thousand dollars (\$8,000.00) per acre for required parkland based upon acreage requirements as calculated by the formula in subsection C of this section. If this rate is not acceptable to the applicant, the value per acre shall be determined by an appraiser, agreed upon between the applicant and the city, or, failing such agreement, by a

commission consisting of one (1) appraiser appointed by the developer, one (1) appraiser appointed by the city, and a third appraiser to be appointed by previously appointed appraisers, which decision by a majority shall be controlling. Reasonable compensation of the appraisers shall be paid by the developer. The rate of land value shall be adjusted annually at the beginning of each year based on the Federal Bureau of Labor statistics report on the change in the Consumer Price Index during the most recent preceding twelve-month period. The amount so determined shall be paid prior to approval of the final plat.

- G. In some cases, private open space may be provided in a proposed subdivision to meet up to half of this requirement. Such space is to be privately owned and maintained by the future residents of the subdivision and such areas shall be termed as open space reservations. Said reservations Of open space shall be subject to the following standards:
- (1) That yards, court areas, setbacks and other open areas required to be maintained by the Land Development Regulations shall not be included in the computation of such private open space; and
 - (2) That the private ownership and future maintenance of the open space and [is] adequately provided for by written agreement; and
 - (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the city; and
 - (4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as shape, topography, geology, access and location of the private open space land; and
 - (5) That the open space reservation will be applied toward meeting no more than one-half of the dedication requirements as calculated in Subsection C of this section.
- A. The provisions of this section are minimum standards. None of the sections previously set out shall be construed as prohibiting a developer from dedicating or reserving more land for recreational purposes than required by this section.
- B. The open spaces shall include continuous wooded areas, water areas, natural areas, recreational areas and other non-vehicular paved pedestrian areas. All open spaces shall be adequately landscaped and, where possible, existing mature trees shall be retained.

SECTION 407.023 Construction of Improvements

- A. All land disturbance activities and landscaping requirements shall be performed in accordance with the standards and specifications set forth in other chapters of this Regulation.
- B. All sanitary sewers and appurtenances and storm sewers in the section, tract or phase being developed shall be constructed according to the standards and specifications delineated in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works.

- C. All underground utilities and appurtenances in the section, tract or phase being developed shall be constructed according to the standards and specifications delineated in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works.
- D. Construction of all streets in the section, tract or phase being developed shall be constructed according to the standards and specifications delineated in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works. The City Code Official shall not issue a building permit for any structure to be constructed on a lot in a recorded subdivision until the streets have been constructed along the entire frontage of the lot for which the permit is requested. In the case of a corner lot, both streets shall be constructed along the entire length of both lot frontages.
- E. When building permits have been issued for ninety (90) percent of the lots in a recorded subdivision, no additional lots shall be issued until all of the infrastructure improvements required by this Regulation have been installed and accepted by the City for maintenance.
- F. The developer shall be required to provide or cause to provide adequate water main lines and fire hydrants for fire protection in the section, tract or phase being developed shall be constructed according to the standards and specifications delineated in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works.
- G. All sidewalks in the section, tract or phase being developed shall be constructed at the same time the abutting street is constructed according to the standards and specifications delineated in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works. Sidewalks will be accepted by the City at the same time the abutting street is accepted.
- H. All street lights in the section, tract or phase being developed shall be constructed at the same time the abutting street is constructed according to the standards and specifications delineated in the St. Robert Infrastructure Development Regulations on file in the Department of Public Works. Streetlights will be accepted by the City at the same time the abutting street is accepted.

SECTION 407.025 Lot Identification

- A. All lots in original subdivisions shall be numbered consecutively from one through the total number of lots, even though the subdivision may be recorded in sections, tracts or phases.
- B. In re-subdivisions, all lots shall be lettered alphabetically from the letter “A” through the total number of lots.
- C. The size of the lots shall meet the minimum requirements set forth in the density criteria of this Regulation for the area being subdivided. Lots shall be arranged at right angles to street lines or radial to curved street lines, and shall front a public street.

SECTION 407.027 Manufactured Home Developments

- A. Manufactured home developments shall comply with the requirements set forth in this Chapter in addition to the general requirements that also must be met by the developer.
- B. All manufactured homes, which do not exceed 1280 square feet in gross floor area, shall be located in an approved mobile home park development, which is zoned (R-M) for that purpose. Said manufactured homes shall meet comply with Chapter 700 of the Revised Missouri Statutes.
- C. All existing manufactured homes, not located within R-M zoning districts, at the effective date of this Regulation, shall continue to exist as long as the requirements set forth in Chapter 405 (Nonconforming Situations) are met and the manufactured home does not pose a hazard to the public safety, health and welfare of the community. Existing manufactured homes shall comply with Chapter 700 of the Revised Missouri Statutes.

SECTION 407.029 MH Development Area Requirements

- A. Minimum area for all new manufactured home developments or expansion of existing mobile home developments, shall be three (3) acres for manufactured home parks or subdivisions developed on or after the date of adoption of this Regulation.
- B. Maximum area of any manufactured home development (whether a new development or expansion) shall be twenty-five (25) acres. Public streets shall be constructed throughout the development.

SECTION 407.031 MH Development Density and Dimensional Requirements.

Density, setback, and height requirements are governed by provisions of Chapter 412, Density and Dimensional Regulations.

SECTION 407.033 MH Development Access and Circulation

- A. A MH development shall abut and have access to a public highway or street.
- B. In all new or expanded manufactured home developments, streets that are dedicated to public use shall comply with the provisions of the St. Robert Infrastructure Development Regulations.
- C. In manufactured home developments where interior streets are to remain as private roadways, the following requirements shall be met:
 - (1) The required width of any interior street shall be open and maintained as a fire lane at all times.
 - (2) Each space shall abut an interior street within the park. Said streets shall be graded and surfaced with not less than four (4) inches of crushed stone and two inches of asphaltic concrete or equivalent material on a well compacted sub-base to a continuous width of twenty-six (26) feet, not including required parking spaces.

- (3) All private streets entering a public street or road must enter at a right angle and be perpendicular to the public street or road for a minimum distance of 50 feet, and without intersection of private streets. The intersecting private street right-of-way with the public street right-of-way shall be rounded with radii of not less than thirty (30) feet.
- (4) In the event that any manufactured home development or part thereof shall be so located so as to block the extension of any public arterial or collector street or streets, the owner shall show the extension of said streets through said development on the site plan or development plans for each successive stage of construction, and shall provide for the extension of all said arterial or collector streets through said development in such manner as to provide access to, from and through said development to contiguous areas all in compliance with the standards and specifications of the St. Robert Infrastructure Development Regulations relating to the extension and construction of public streets.

SECTION 407.035 MH Development Utilities

- A. The provision and location of utilities, including natural gas, sanitary sewer, storm sewer drainage, water supply, lighting, electric power, telephone service, fire hydrants, and sidewalks is governed the St. Robert Infrastructure Development Regulations on file in the Department of Public Works.
 - (1) The manufactured home development and all occupied units located in it must be connected to the municipal water and sewerage systems at such time as the systems are installed and reasonably available.
 - (2) Each manufactured home shall have separate service for each utility.

SECTION 407.037 MH Development Off-Street Parking

- A. Off-street parking and internal drives are set forth in Chapter 425, Off-Street Parking. The required number of off-street parking spaces shall be provided for each mobile home space.
- B. Parking spaces shall be constructed with not less than four (4) inches of crushed stone and two (2) inches of asphaltic concrete or equivalent material on a well-compacted sub-base.
- C. Required off-street parking spaces for a manufactured home shall be located on the same principle lot or space on which the manufactured home is to be installed and connected to utilities.

SECTION 407.039 MH Development Screening and Trees

Requirements for screening and retention of large trees are set forth in Chapter 420, Screening and Trees.

SECTION 407.041 MH Development Open Space and Recreation

There shall be provided within each manufactured home development an adequate site or sites for recreation for the use of the occupants. Such recreation site(s) shall have a minimum area of 5,000 square feet and in aggregate, a total of at least 200 square feet shall be provided for each mobile home lot/space located in the development.

CHAPTER 408 SIGNS

PART I: GENERAL

SECTION 408.001 Statement of Purpose

- A. The provisions of this Regulation shall govern the size, number, location, height, width, construction, alteration, repair and maintenance of outdoor signs together with the associated appurtenant and auxiliary devices in respect to fire and structural safety.
- B. To restrict private signs and lights which will overload the public's capacity to receive information, violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision,
- C. To maintain and enhance the visual environment, and to preserve the right of residents to enjoy the scenic beauty of St. Robert.
- D. To minimize the possible adverse effect of signs on nearby public and private property.
- E. To regulate the construction and proliferation of billboards within the city limits of St. Robert in accordance with the enabling legislation delineated in Chapter 71 of the Revised Statues of Missouri.

SECTION 408.003 Definitions

- ❖ Abandoned Sign: A sign or billboard which has carried no message for more than 180 days or which no longer identifies a bona fide business, leaser, service, owner, product, or activity, date or time of past event, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.
- ❖ Accessory Sign: A sign that's use is incidental to the principal use of the premises.
- ❖ Administrator: The designated government official whose responsibility it is to administer the provisions of this Chapter. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs, and interpreting and enforcing the provisions of this Chapter. Also referred to as the Land Use Administrator.
- ❖ Architectural, Scenic, or Historic Area: An area of special control that contains unique visual or historic characteristics or whose natural beauty requires special regulations to ensure that all signs displayed within the area are compatible with the area.
- ❖ Attached Facade Sign: A sign attached to the wall of a building with the exposed sign face parallel to the plane of the wall.
- ❖ Awning: A shelter supported entirely from the exterior of a building.

- ❖ Banner: A sign composed of non-rigid material secured or mounted to a building wall or structure.
- ❖ Billboard: A billboard is an off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage or small commercial or noncommercial signs temporarily placed in residential lawns by residents, owners, contractors, Realtors, or by or on behalf of political candidates or issues.
- ❖ Billboard Area: The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product.
- ❖ Billboard Plaza: An area of special control, which the St. Robert City Council designates as appropriate for the display of billboards.
- ❖ Canopy: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings.
- ❖ Changeable Copy: Including, but not limited to, graphics, lettering, insignia, background or copy that changes at intervals of more than once every six seconds.
- ❖ Commercial Sign: A sign or billboard, which identifies goods or services that are not sold on the premises where the sign is located.
- ❖ Construction Sign: A temporary sign identifying individuals and firms participating in the construction project and the future use of the parcel.
- ❖ Directional Sign: A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way.
- ❖ Expressway or Freeway: A highway to which access is restricted except by ramps or interchanges.
- ❖ Facade Signs: A sign attached to the facade of a building with the exposed sign face parallel to the plane of the facade. See also "attached signs"

- ❖ Flashing Illumination: A light source which, in whole or in part, physically changes in light intensity or gives the appearance of such change at intervals of less than six seconds. This definition excludes time and temperature, and message signs.
- ❖ Freestanding Monument Sign: A sign entirely constructed on one or more structural columns and supported by a separate foundation system.
- ❖ Freestanding Pole (pylon) Sign: See *Pole (Pylon) Sign*.
- ❖ Height: The vertical distance measured from the finish grade line to the highest point of the sign.
- ❖ Illegal Sign: A sign or billboard that was constructed in violation of regulations that existed at the time it was built.
- ❖ Indirect Illumination: A light source not seen directly.
- ❖ Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.
- ❖ Message Sign: A sign on which letters or pictorial panels may be changed in the field, either manually or electronically.
- ❖ Movement: Physical movement or revolution up or down, around, or sideways that completes a cycle of change at intervals of less than six seconds.
- ❖ Nameplate: A sign displaying the name, address, or symbol of a building, business, or establishment.
- ❖ Nonconforming Sign: Any sign or billboard which was lawfully erected and maintained at the effective date of this Regulation, or any amendment thereto, that does not conform to the regulations of the district in which it is located.
- ❖ Off-Premise Sign: A permanent sign or billboard erected, maintained or used in the outdoor environment for the purpose of display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
- ❖ On-Premise Sign: A sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or noncommercial messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
- ❖ Pole (Pylon) Sign: A sign entirely constructed on one or more poles, piles, posts or pipes which is supported by a separate foundation and not attached to a building surface.
- ❖ Political Sign: A sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election and removed 14 days after the fact.

- ❖ Premises: The contiguous land in the same ownership or control, which is not divided by a street.
- ❖ Principal Sign: A sign that displays the actual business or use of the premises, and is located on the actual property of the structure being advertised.
- ❖ Projecting Sign: A display sign which is attached directly to the building wall, and which extends more than 15 inches from the face of the wall.
- ❖ Proprietor: The operator of a business, which owns, leases, or rents building space.
- ❖ Roof Sign: A sign, which is erected, constructed, and maintained above the roofline of the building.
- ❖ Scenic Roadside: Scenic roadsides include those land areas within the municipal limits which lie within the view shed of either side of the outermost edge of any of the roads, which are of uncommon visual importance or scenic attractiveness.
- ❖ Setback: The minimum required distance between the property line and the building line. For signs the setback shall be defined as the closest that any portion of the sign, including any projection or foundation, may be to easements, property lines, or right-of-ways (measured horizontally or vertically).
- ❖ Sidewalk: A paved area set aside for pedestrian traffic.
- ❖ Sign: A sign is an object, display, device, graphic, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Additionally signs are used to attract attention to business or structure that is located on the same lot. Any surface, fabric, device, or display designed to visually convey information to the general public. The term "sign" includes its structural support and component parts. In cases where more than one display surface or device is attached to one structural support, the entire structure shall be considered as one sign. Signs do not include on-premises commercial or political signage or small commercial or noncommercial signs temporarily placed in lawns by residents, owners, contractors, Realtors, or by or on behalf of political candidates or issues.
- ❖ Sign Area: The facing of a sign, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product.
- ❖ Sign Plaza: An area of special control, which the St. Robert City Council designates as appropriate for the display of off-premises signs. This excludes the construction of billboards in this type of authorized use.
- ❖ Sign Structure: Any connections or supports upon which a sign is attached.

- ❖ Spacing: Spacing of billboards shall be the minimum distance between outdoor advertising billboard structures measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both sides of the highway involved.
- ❖ Structure: Anything built that requires a permanent location.
- ❖ Temporary Sign: A sign constructed of cloth, fabric, or other lightweight temporary material with or without a structural frame intended for a limited period of display of not more than 14 days; including, but not limited to decoration displays for holidays or public demonstrations.
- ❖ Temporary Portable Signs: A moveable reusable sign structure generally made of durable materials, mounted on wheels and towed, or on a rigid frame and trucked, which has no permanent foundation and can be readily moved.
- ❖ Time and Temperature Sign: A sign displaying only the time and/or the temperature.
- ❖ View Shed: An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, coastal wetlands, mountain tops or ridge lines.
- ❖ Wall: All window and wall areas of a building in one plane or elevation.

PART II: ON-PREMISE SIGNS

SECTION 408.005 Permitted Signs

- A. No new on-premise signs shall be erected within the political boundaries of the City of St. Robert, except those that meet the requirements of this Regulation and only after receiving the proper permit.
- B. Such new signs as may be permitted by this Chapter shall conform to the Table of Sign Standards, lighting and location requirements prescribed by this Chapter.

TABLE OF SIGN STANDARDS

FREESTANDING MONUMENT SIGNS:

Zoning District	Status of Signs	Maximum Sign Area (sq ft)	Maximum Height (sqft)	Minimum Setback (ft)
Agricultural	Accessory	32	6	10
Residential	Accessory	40	12	5
Commercial (C-O)	Accessory	48	25	5
Commercial (C-2)	Accessory	60	30	5
Industrial	Accessory	80	35	5

FREESTANDING POLE SIGNS:

Zoning District	Status of Signs	Maximum Sign Area (sq ft)	Maximum Height (sqft)	Minimum Setback (ft)
Agricultural	Accessory	160	40	10
Commercial (C-O)	Accessory	60	25	5
Commercial (C-2)	Accessory	240	80	5
Industrial	Accessory	100	35	5

ATTACHED FACADE SIGNS:

Zoning District	Status of Signs	Maximum Sign Area As A Percentage of Signable Area
Agricultural	Accessory	5%
Commercial (C-O)	Accessory	10%
Commercial (C-2)	Accessory	15%
Industrial	Accessory	20%

C. Lighting: No sign shall be so illuminated that it:

- (1) Interferes with the safety of aircraft flight in the vicinity of the sign.
- (2) Interferes with the use and enjoyment of property of any adjacent landowners.
- (3) Allows the illumination source to be directly visible from any right-of-way or adjoining property.
- (4) Does not comply with adopted building codes of the City of St. Robert.

D. Location:

- (1) No sign shall be erected, placed, reconstructed or maintained which extends into any public right-of-way or easement, except as specifically permitted by these regulations.
- (2) Attached signs greater than six (6) inches in depth shall extend no lower than seven (7) feet above the elevation of an adjacent sidewalk or pedestrian way.
- (3) Foundations for freestanding signs shall be located not less than the setback specified in the "Table of Sign Standards".
- (4) No temporary sign shall be attached to a traffic signal device, street sign, official traffic guidance sign, or public utility pole or device.
- (5) All signs shall be located so as not to impair the visibility of an official highway sign or marker and no sign shall be placed so as to unnecessarily obstruct the visibility of another sign.

- (6) All signs shall be located so as not to impair the vision of vehicular traffic at intersections or crossroads.
 - (7) New facade signs shall be limited to two (2) signs per signable area of the building surface areas to which they will be attached. The combined aggregate sign area of both signs shall not exceed the allowable maximum sign area for a single attached facade sign.
 - (8) Businesses collocated within a common commercial plaza or mall, shall be allowed one (1) advertisement sign cabinet to be constructed on a single consolidated pole structure.
 - (9) Businesses located on individual lots shall be limited to one (1) freestanding pole sign.
 - (10) Businesses located on individual lots shall be limited to one (1) freestanding monument sign.
- E. Areas of Special Control: Areas of Special Control established under Section 408.011 may have regulations more or less restrictive than those of this section, consistent with the character of the area of Special Control.

SECTION 408.007 Prohibited Signs

- A. The following are expressly prohibited unless specifically stated otherwise in this Regulation:
- (1) Off-Premise Signs, except in Sign Plazas of designated areas of Special Control.
 - (2) Animated and Moving Signs: Signs employing movement by mechanical or natural means, which are adjacent to road right-of ways, including, but not limited to, changeable copy signs, propellers, discs and searchlights.
 - (3) Flashing Signs: Signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.
 - (4) Glaring Signs: Signs employing direct, indirect, internal, flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Administrator.
 - (5) Inflatable Signs and Objects: Sign devices, which are not used as a temporary sign for the advertisement of a special event, promotion or sale. Upon the completion of the advertised promotion or event, the temporary sign or object shall be removed immediately.
 - (6) Roof Signs: Signs which are erected on a roof and extend in height above the roofline of the building on which the sign is erected shall be prohibited.

- (7) Simulated Traffic Signs and Obstructions: Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street or highway intersection, or extend into the public right-of-way.
 - (8) Vehicular Signs: Signs displayed on parked or stationary vehicles, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this Regulation, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.
 - (9) Temporary Portable Signs: A moveable reusable sign structure used on a permanent basis, generally made of durable materials, mounted on wheels and towed, or on a rigid frame and trucked, which has no permanent foundation and can be readily moved shall be prohibited by this Regulation.
 - (10) Any sign, which may project, by graphic illustration or wording, an advertisement that may be construed as obscene or offensive.
- B. Prohibited or illegal signs shall be removed immediately upon written notification from the Land Use Administrator. An appeal to the Board of Adjustments, which has been filed in the Land Use Administrators office, shall temporarily stay the removal of any prohibited or illegal sign by the appellant until a decision has been rendered by the Board of Adjustments.

SECTION 408.009 Exempted Signs

- A. The following signs do not require a permit or fee payments under Section 408.005 but must meet the other requirements of this Regulation:
- (1) Temporary sign banners, which do not exceed thirty-two (32) square feet in sign area and are not used as permanent signage for the business; political signs which do not exceed sixteen (16) square feet in sign area, streamers and pendants. Upon the completion of the advertised promotion, event or political election, temporary sign banners and political signs shall be removed immediately.
 - (2) Safety control signs.
 - (3) Yard sale or Rent signs provided that such signs are not more than 6 square feet in area, and shall not be erected for more than a six (6) month period.
 - (4) Construction signs provided there is only one sign per construction site and it does not exceed 20 square feet in area, and shall be erected during the construction phase only.
 - (5) Temporary signs provided they are removed within 14 days of the advertised event. Temporary portable signs, which do not exceed thirty-two (32) square feet in outline area per facing, do not exceed six (6) feet in height and do not exceed six (6) feet in width, shall be permitted for a

period limited to fifteen days for the advertisement of a special event, promotion or sale. Upon the completion of the advertised promotion or event, the temporary portable sign shall be removed immediately. All electrical connections to said temporary portable signs shall conform to adopted ordinances, codes and regulations of the City of St. Robert.

- (6) Flags of any nation, government, or noncommercial organization.
- (7) Scoreboards on athletic fields.
- (8) Window signs in the interior of a mercantile or business when incorporated and related in content to such display and not attached to the window.
- (9) Signs of less than ten square feet in outline area indicating the name of the building, date of erection, monumental citation, commemorative tablet, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other type of permanent type of construction material and made an integral part of the structure.
- (10) Barber poles that are no more than six inches in diameter or more than two feet in overall height.
- (11) Holiday decorations that meet all existing fire and safety codes.
- (12) Interior signs located within a building interior, enclosed lobby, or building courtyard.
- (13) No trespassing or no dumping signs which do not exceed two square feet in area.

SECTION 408.011 Areas of Special Control

- A. The Board of Aldermen, by ordinance and following notice and hearing, may designate any of the following areas of Special Control:
 - (1) Architectural, historic, or scenic areas or scenic roadsides.
 - (2) Sign plazas or specific areas designated for aesthetic design controls.
- B. The Administrator shall maintain and shall continually revise the zoning map of St. Robert which the Administrator shall indicate the boundaries of all designated Areas of Special Control.
- C. The St. Robert Board of Aldermen shall adopt special regulations for signs in Areas of Special Control, which shall be consistent with the character of the Area of Special Control.

SECTION 408.013 Construction Standards

- A. All signs shall be constructed, fabricated, erected, and maintained in accordance with all the pertinent provisions of the building, electrical and property maintenance codes adopted by the City.

- B. All signs regulated by this Regulation shall be constructed of permanent materials and shall be permanently attached to the ground, by direct attachment to a rigid foundation, wall, frame, or structure.
- C. The following inspections shall be scheduled with the City Building Department during the installation and erection of all any signs to ensure that work is compliance with the adopted building codes and regulations of the City:
 - (1) Foundation/footing systems associated with monument and pole signs.
 - (2) Structural framework or assemblies associated with monument signs.
 - (3) Electrical wiring and connections for all signs that are to be illuminated.
 - (4) Final inspections when all work has been completed for all signs.
- D. Failure to schedule required inspections by the property owner, the business owner or the company performing the work, shall be cause for the approved construction permit to be repealed and the signage to be removed from the premises.
- E. Upon clearance of all required inspections, a permanent sign permit shall be issued to the business for which the signage was applied for and constructed.

SECTION 408.015 Nonconforming Signs

- A. Existing Roof Signs and Other Prohibited Signs: Any roof sign or other prohibited sign structure which exists at the time that this Regulation becomes effective, shall within limitations, be permitted to exist so long as the criteria hereinafter stated exist. For the continuation of an existing roof sign or other prohibited sign to continue to be in use, that sign must be structurally sound, present no safety threat to any person or any property, and be constructed and located in such a manner that it does not impede fire fighting operations.
- B. Multiple pole signs which have existed prior to the effective date of this Regulation, shall within limitations, be permitted to exist so long as the criteria hereinafter stated exist. For the continuation of existing multiple pole signs to continue to be in use, the signs must be structurally sound, present no safety threat to any person or any property, and be constructed and located in such a manner that it does not impede fire fighting operations.
- C. Multiple monument signs which have existed prior to the effective date of this Regulation, shall within limitations, be permitted to exist so long as the criteria hereinafter stated exist. For the continuation of existing multiple monument signs to continue to be in use, the signs must be structurally sound, present no safety threat to any person or any property, and be constructed and located in such a manner that it does not impede fire fighting operations.

- D. Continuance: Each nonconforming sign and sign structure shall be allowed to continue in use pursuant to the express provisions of paragraph A, B or C of this Section.
- E. Removal: Once a sign no longer meets the express criteria for continued use as a nonconforming use as set forth in the paragraphs cited above, that sign or nonconforming sign shall be removed at the owner's or leaser's expense no later than 60 days after the change in status of that sign occurs.
- F. Nonconforming signs and sign structures shall be removed at the owner or leaser's expense under the following circumstances.
 - (1) The sign is abandoned for 180 consecutive days.
 - (2) The sign becomes damaged or dilapidated to 50% or more of its physical structure or economic value.

SECTION 408.017 Administration and Enforcement

All administration and enforcement of this Regulation shall be primarily implemented by the Land Use Administrator. The Administrator shall have the responsibility and full authority to administer and enforce all the provisions of this Regulation, other than those provisions specifically reserved for the authority of St. Robert Board of Aldermen, Planning and Zoning Commission or Board of Adjustments. Anyone who wishes to report a sign that may be in violation of this Regulation shall file a complaint with the Administrator for investigation. The City Code Official is authorized to order the removal of any sign that is not maintained in accordance with the provisions of this Regulation, or the adopted building codes of the City.

SECTION 408.019 Permit Application; Contents and Submission

- A. All signs, except as otherwise provided in Section 408.009 of this Chapter, shall require a construction permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. Construction permits shall be issued by the Administrator.
- B. All applications for sign construction permits shall be submitted to the Administrator and shall contain following information to be considered complete:
 - (1) Filing fee submitted with application.
 - (2) Applicant/owner information with mandatory signatures.
 - (3) General sign criteria which include; material descriptions, dimensional specifications and placement locations.
 - (4) Applicant's signature.

- (5) All designs, graphics, plans, drawings, technical specifications and engineering which is identified on the application. Missing or omitted supporting documentation will delay processing of the application until the necessary information is submitted.
 - (6) Any other information or supporting documentation that may be requested by the Administrator in order to carry out the purpose and intent of these regulations.
- C. The following schedule of fees shall be paid by all persons, corporations or companies submitting applications for sign permits to the City:
- (1) Attached Facade Signs - \$40.00 per signable surface area.
 - (2) Freestanding Pole (Pylon) Signs - \$125.00 per structure.
 - (3) Monument signs - \$75.00 per structure.
 - (4) Sign copy change to existing signs - \$40.00.
- D. Within five (5) working days of receiving an application for a sign permit, the Administrator shall issue a sign construction permit to the applicant, if the Administrator finds that the application is complete. If the Administrator finds that the application is incomplete, he shall, notify the applicant of the specific ways in which the application is deficient, with instructions on how to make the application complete.
- E. All sign permit applications shall be dated and numbered in the order of their issuance. Within ten (10) working days of the submission of a complete application for a sign permit, the Administrator shall either:
- (1) Issue the construction permit, if the sign that is the subject of the application conforms with the requirement of this Regulation; or
 - (2) Deny the application if the sign fails to conform to the requirements of this Regulation.
- F. Any person installing, erecting, structurally altering, or relocating a sign for which a permit has been issued shall notify the Building Department upon completion of each phase of the work. All inspections identified on the construction permit shall be scheduled by the person or company doing the work.
- (1) If the construction is complete and in full compliance with this Regulation and with the building and electrical codes, the Administrator shall affix to the sign a permanent symbol identifying the sign and the applicable permit by number or other reference.
 - (2) If the construction is substantially complete but not in full compliance with this Regulation and applicable codes, the Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional seven (7) days from the date of inspection for the deficiencies to be corrected.

- (3) If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Administrator shall affix to the sign the permanent symbol described above.
- G. A sign permit shall lapse if the sign is an abandoned sign, or if the permittee's business license lapses, is revoked, or is not renewed. A sign permit shall lapse if the use of the sign is discontinued for a period of one hundred eighty (180) days or more. A sign that was constructed or maintained in conformance with a permit under this Regulation, but for which the permit has lapsed, shall be in violation of the Regulation.
- H. The Administrator, upon finding that any provision of this Regulation or any condition of a permit issued under this Regulation is being violated, is authorized to institute legal proceedings to enjoin violations of this Regulation.
- I. The Administrator shall investigate any complaints of violations of this Regulation and may revoke a permit if there is any violation of the provisions of this Regulation or there was misrepresentation of any material facts in either the application or plans.
- J. Any person applying for a sign permit that is denied a permit or disagrees with any ruling by the Administrator may appeal to the Board of Adjustment. The Board of Adjustment may uphold, overturn or modify the Administrator's decision in accordance with the appeal procedures established in this Regulation.
- K. For any sign on property annexed at a later date, applications for sign permits shall be submitted within six (6) months of the effective date of annexation. Applications for permits for existing signs shall be exempt from the initial fees adopted under authority of this Regulation, but not from any subsequent fees.
- L. If an approved sign construction permit is not utilized within a period of six (6) months from the date the permit was originally issued, the permit shall expire and become null and void.
- M. A person who violates the provisions of this Regulation or the conditions of a permit shall be guilty of a civil violation. Each day of the violation constitutes a separate offense subject to a fine of not less than \$50 and not more than \$500 and up to 90 days of confinement. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the local jurisdiction.
- N. The Administrator may remove or order the removal at the expense of the sign owner or leaser of any illegal sign and any sign, other than a nonconforming sign governed by Section 408.015, not in compliance with the provisions of this Regulation.
- O. Any sign, which poses an immediate peril to persons or property, shall be removed. If the Administrator cannot locate the sign owner or leaser for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or leaser.

- P. All signs for which a permit is required, together with all braces, supports, guys, and anchors, shall be kept in repair and good order with the provisions of this section. Where not galvanized or constructed of approved corrosion resistant noncombustible materials, signs shall be painted.

SECTION 408.021 Severability

If any section, subsection, sentence, clause, phrase or portion of this Regulation is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 408.023 Protection Against First Amendment Rights

Any sign, display, or device allowed under this Regulation may contain, in lieu of any other copy, any otherwise lawful, noncommercial message, including any political message, that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Regulation.

PART III: BILLBOARDS

SECTION 408.025 Authority

The criteria established by this section are adopted under the Zoning Authority of St. Robert in furtherance of the more general purposes set forth in the Land Development Regulations. This section is adopted and hereafter amended pursuant to Chapter 71 of the Revised Statutes of Missouri.

SECTION 408.027 Billboard Dimension Specifications

A. New billboards:

- (1) No new billboards shall be erected within the political boundaries of the City of St. Robert, except those that meet the requirements of this section and only after receiving the proper permit.
- (2) Such new billboards as may be permitted by this Regulation shall conform to the height, size, lighting, and spacing requirement prescribed by this Regulation.

B. Height: All billboards shall be no greater than 30 feet in height and 72 feet in length.

C. Size: All billboards shall be no greater than 800 square feet in area. Only one billboard shall be permitted on each billboard structure.

D. Lighting: In addition to the lighting restrictions of 226.540(1), RsMO, which shall apply to all billboards in St. Robert, no billboard shall be so illuminated that it:

- (1) Interferes with the safety of aircraft flight in the vicinity of the billboard.

- (2) Interferes with the use and enjoyment of property of any adjacent landowners.
- (3) Allows the illumination source to be directly visible from any right-of-way or adjoining property.

E. Spacing (All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.):

- (1) No billboard shall be erected within three thousand (1,320) feet of an existing billboard on either side of the roadway.
- (2) No billboard shall be erected within two thousand (2,640) feet of an interchange, intersection at grade, or safety rest area.
- (3) Billboards shall be allowed in Commercial and Industrial zoning districts only and shall meet the minimum setback requirements established in Chapter 412 (Density and Dime of this Regulation. Nonconforming situations shall apply.

F. No billboards shall be permitted in areas designated as Scenic Roadsides.

SECTION 408.029 Prohibited Billboard Appurtenances

A. The following are expressly prohibited unless specifically stated otherwise in this Regulation:

- (1) Off-premise billboards that include lights, which flash, blink, or turn on and off intermittently, not including time and temperature.
- (2) Off-premise billboards employing direct, indirect, internal, flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Administrator.

SECTION 408.031 Areas of Special Control

A. The St. Robert Board of Aldermen, by Regulation and following public notice and hearing, may designate any of the following areas of Special Control:

- (1) Architectural, historic, or scenic areas or scenic roadsides.
- (2) Sign plazas or specific areas designated for aesthetic design controls.

SECTION 408.033 Construction Standards

A. All billboards shall be constructed, fabricated, erected, and maintained in accordance with all the pertinent provisions of the building, electrical and property maintenance codes adopted by the City.

- B. All billboards regulated by this Regulation shall be constructed of permanent materials and shall be permanently attached to the ground, by direct attachment to a rigid foundation, frame, or structure.
- C. The following inspections shall be scheduled with the City Building Department during the construction and erection of all billboards to ensure all work is compliance with the adopted codes and regulations of the City:
 - (1) Foundation/footing systems.
 - (2) Structural framework or assemblies.
 - (3) Electrical wiring and connections.
 - (4) Final inspections.
- D. Failure to schedule required inspections with the City Building Department shall be cause for the approved construction permit to be repealed and the billboard to be removed from the premises.
- E. Upon clearance of all required inspections, a permanent billboard permit shall be issued for the billboard delineated in the application.

SECTION 408.035 Nonconforming Billboards

- A. Unless otherwise specifically provided for in this Regulation and subject to restrictions and qualifications set forth in this Chapter, nonconforming billboards that lawfully existed on the effective date of this Regulation may be continued.
- B. Nonconforming billboards and billboard structures shall be removed at the owner or leaser's expense under the following circumstances:
 - (1) When a billboard is abandoned for a consecutive period of 180 days, the billboard thereafter may be used only for conforming purposes, and shall comply with all requirements delineated in this Chapter.
 - (2) The billboard becomes damaged or dilapidated to 50% or more of its physical structure or economic value.
- C. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of an existing nonconforming billboard.
- D. Minor repairs to and routine maintenance of legally existing nonconforming billboards are permitted and encouraged.

- E. Whether a nonconforming billboard legally existed shall become a question of fact, the matter shall be decided by the Board of Adjustment in accordance with the guidelines set forth in Chapter 413, Appeals, Variances, Interpretations.

SECTION 408.037 Permit Application; Contents and Submission

- A. All billboards shall require a construction permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. The Administrator shall issue construction permits.
- B. All applications for sign construction permits shall be submitted to the Administrator and shall contain following information to be considered complete:
 - (1) Filing fee submitted with application.
 - (2) Applicant/owner information with mandatory signatures.
 - (3) General sign criteria which include; material descriptions, dimensional specifications and placement locations.
 - (4) Applicant's signature.
 - (5) All designs, graphics, plans, drawings, technical specifications and engineering which is identified on the application. Missing or omitted supporting documentation will delay processing of the application until the necessary information is submitted.
 - (6) Any other information or supporting documentation that may be requested by the Administrator in order to carry out the purpose and intent of these regulations.
- C. A permit fee in the amount of \$500.00 shall be paid by all persons, corporations or companies submitting applications for billboard permits to the City:
- D. All billboards subject to this Regulation shall be assessed an annual business tax at a rate not to exceed two percent (2%) of the gross annual revenue produced by the outdoor advertising sign structure located within the City of St. Robert.
- E. Within five (5) working days of receiving an application for a billboard permit, the Administrator shall issue a construction permit to the applicant, if the Administrator finds that the application is complete. If the Administrator finds that the application is incomplete, he shall, notify the applicant of the specific ways in which the application is deficient, with instructions on how to make the application complete.
- F. All permit applications shall be dated and numbered in the order of their issuance. Within ten (10) working days of the submission of a complete application for a billboard permit, the Administrator shall either:

- (1) Issue the construction permit, if the billboard that is the subject of the application conforms with the requirement of this Regulation; or
 - (2) Deny the application if the billboard fails to conform to the requirements of this Regulation.
- G. Any person installing, erecting, structurally altering, or relocating a billboard for which a permit has been issued shall notify the Building Department upon completion of each phase of the work. The person or company doing the work shall schedule all inspections identified on the construction permit.
- (1) If the construction is complete and in full compliance with this Regulation and with the building and electrical codes, the Administrator shall affix to the billboard a permanent symbol identifying the sign by number or other reference.
 - (2) If the construction is substantially complete but not in full compliance with this Regulation and applicable codes, the Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional seven (7) days from the date of inspection for the deficiencies to be corrected.
 - (3) If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Administrator shall affix to the sign the permanent symbol described above.
- H. A billboard permit shall lapse if the sign is abandoned, or if the permittee's business license lapses, is revoked, or is not renewed. A permit shall lapse if the use of the billboard is discontinued for a period of one hundred eighty (180) days or more. A billboard that was constructed or maintained in conformance with a permit under this Regulation, but for which the permit has lapsed, shall be in violation of the Regulation.
- I. The Administrator, upon finding that any provision of this Regulation or any condition of a permit issued under this Regulation is being violated, is authorized to institute legal proceedings to enjoin violations of this Regulation.
- J. The Administrator shall investigate any complaints of violations of this Regulation and may revoke a permit if there is any violation of the provisions of this Regulation or there was misrepresentation of any material facts in either the application or plans.
- K. Any person applying for a billboard permit that is denied a permit or disagrees with any ruling by the Administrator may appeal to the Board of Adjustment. The Board of Adjustment may uphold, overturn or modify the Administrator's decision in accordance with the appeal procedures established in this Regulation.
- L. For any billboard on property annexed at a later date, applications for permits shall be submitted within six (6) months of the effective date of annexation. Applications for permits for existing billboard shall be exempt from the initial fees adopted under authority of this Regulation, but not from any subsequent fees.

- M. If an approved construction permit is not utilized within a period of six (6) months from the date the permit was originally issued, the permit shall expire and become null and void.
- N. A person who violates the provisions of this Regulation or the conditions of a permit shall be guilty of a civil violation. Each day of the violation constitutes a separate offense subject to a fine of not less than \$50 and not more than \$500 and up to 90 days of confinement. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the local jurisdiction.
- O. The Administrator may remove or order the removal at the expense of the sign owner or leaser of any illegal billboard and any billboard, other than a nonconforming billboard not in compliance with the provisions of this Regulation.
- P. Any billboard, which poses an immediate peril to persons or property, the sign, shall be removed. If the Administrator cannot locate the sign owner or leaser for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or leaser.
- Q. All billboard for which a permit is required, together with all braces, supports, guys, and anchors, shall be kept in repair and good order with the provisions of this section. Where not galvanized or constructed of approved corrosion resistant noncombustible materials, signs shall be painted.

SECTION 408.039 Severability

If any section, subsection, sentence, clause, phrase or portion of this Regulation is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 408.041 Protection Against First Amendment Rights

Any sign, display, or device allowed under this Regulation may contain, in lieu of any other copy, any otherwise lawful, noncommercial message, including any political message, that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Regulation.

CHAPTER 409 APPEALS, VARIANCES, INTERPRETATIONS

SECTION 409.001 Application and Hearing Requirements

- A. An application requesting an appeal, variance, or interpretation of this Regulation requires a hearing as provided for in Chapter 89 and Chapter 536 of the Revised Statutes of Missouri, and the procedures set forth in this Regulation.
- B. An application requesting an appeal, variance, or interpretation of this Regulation shall be filed at least 30 days prior to the public hearing to be held.

SECTION 409.003 Appeals from Decisions of the Land Use Administrator

- C. An appeal from any final order or decision of the Land Use Administrator regarding the enforcement or interpretation of this Regulation may be taken to the Board of Adjustment. Appeals from action taken by the Land Use Administrator shall be filed in writing, in the following manner:
 - (1) Appeals may be taken by any person aggrieved or a neighborhood organization representing the aggrieved person, any officer, department, commission, board or bureau of the municipality affected by any decision of the Land Use Administrator.
 - (2) All appeals shall be taken within sixty (60) days of the date the action was appealed.
 - (3) Appeals from the enforcement and interpretation of this Regulation shall be addressed to the Board of Adjustment and filed with the Land Use Administrator on forms prescribed for such use, together with the following:
 - (a) Filing Fee of seventy (\$70.00) dollars.
 - (b) A description of the decision being appealed, and the date of the decision.
 - (c) Legal descriptions, maps, plans, and/or other information so as to completely describe the decisions or interpretation being appealed.
 - (d) A written narrative of the reason for appeal and the hardship that is created if the appeal is not granted.
 - (e) The date the appeal was filed with the Land Use Administrator.
 - (4) An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Land Use Administrator certifies to the Board of Adjustment that by reason of facts in the record of suspension would, in his opinion, cause imminent peril of life or property. In that case, proceedings shall not be stayed except by a court

order.

- (5) The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

B. The standards for granting relief to the strict letter of the regulations being appealed are much stricter than that for granting an area (density) variance. In order to qualify for relief of a particular zoning regulation, it is the applicant's burden to establish each of the three factors identified below. If an applicant fails to satisfy the first factor of the three-part test, there is no need to review the other factors.

- (1) Unnecessary Hardship: The applicant must establish that he would suffer "unnecessary hardship" in carrying out the strict letter of the zoning regulation.

- The applicant must demonstrate that he would be deprived of all beneficial use of the property under the permitted uses of the zoning district.

- (2) Unique Character of the Property: The applicant must demonstrate that the hardship is due to the unique character of the property and not due to general neighborhood conditions.

- The applicant must demonstrate some unique condition exists on the property that would prevent him from complying with the strict letter of the regulations for the zoning district in which the property is located.

- The Board of Adjustment must consider whether approval would alter the essential character of the neighborhood.

- (3) Substantial Justice: The applicant must demonstrate that granting a variance would result in substantial justice for all.

- The Board of Adjustment must balance the equities, and consider any detrimental effects a use variance might have on nearby properties and the municipality in general.

C. Before an appeal is granted, the courts have ruled that the Board of Adjustment must first determine:

- (1) That the property in question cannot reasonably be used for the purposes permitted in the zoning district in which the property is located.
- (2) That granting the appeal will not constitute a grant of special privilege to the property owner that is inconsistent with the permitted uses of other property in the same vicinity.

- (3) That the plight of the owner is due to unique circumstances that is not the general condition of the neighborhood and is not the result of the owner's action.
- (4) That granting the appeal will not be detrimental to the public welfare or health or injurious to other property nor contrary to the spirit and intent of the zoning ordinance.

D. Reconsideration of Board of Aldermen action on a Conditional Use Permit is governed by the provisions of Section 407.019 (Reconsideration of Board Action).

SECTION 409.005 Appeals From Decisions of the Board of Adjustment

Appeals from rulings of the Board of Adjustment may be taken in the manner provided by Missouri Statute.

SECTION 409.007 Appeals from Decisions of the Board of Aldermen

Appeals from a final decision of the Board of Aldermen granting or denying a conditional use permit shall be subject to review by the Circuit Court of Pulaski County, as prescribed by Missouri Statute.

SECTION 409.009 Variances

- A. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Land Use Administrator. Applications shall be handled in the same manner as applications for appeals.
- B. An application for a variance shall be completed on forms prescribed for such use, and submitted together with the following:
 - (1) Filing Fee of seventy (\$70.00) dollars.
 - (2) The date the application was filed with the Land Use Administrator.
 - (3) The correct legal description of the property.
 - (4) The current zoning classification of the property.
 - (5) The name, address, and phone number of the applicant.
 - (6) If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner(s), and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.
 - (7) A clear written narrative of the variance that is being requested, the necessity of the variance being requested and the hardship that would be created if the variance was not granted.

- (8) In all instances where new construction is involved or where yard or parking variances are requested, a site plan containing the following information shall be included:
 - (a) North arrow and scale.
 - (b) Property lines.
 - (c) Location of existing and proposed buildings, with their distances from property lines.
 - (d) Street right-of-way lines.
 - (e) Utility or other easement lines.
- C. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of this Regulation would result in practical difficulties or unnecessary hardships for the applicant, and that, by granting the variance, the spirit of this Regulation will be observed, public safety and welfare secured, and substantial justice done. The strict application of the requirements of this Regulation may be varied, or adapted, in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would deprive the owner of the reasonable use of the land or building involved.
- D. In considering an application for a variance, the Board of Adjustment is to determine whether strict application of the zoning regulation at issue would result in “practical difficulties or unnecessary hardship” as defined by RSMO 89.100. A variance is not “granted” to an individual, group, corporation, firm or company, but is a permitted variation to the strict adherence of the guidelines of the adopted zoning or subdivision regulations of the City that runs with the land regardless of ownership.
- E. “Practical difficulties or unnecessary hardship” means that the owner of the property must be able to show, if he complies with the provisions of the Regulation, that he cannot make any reasonable use of his property. The Board of Adjustment may grant a variance if it finds that the following five factors relevant to the “practical difficulties or unnecessary hardship” standard have materially been met:
 - (1) Size of the Variance: The Board should consider how substantial a requested variance would be in relation to the requirements of the applicable zoning regulation.
 - (2) Effect on Government Services: The Board may consider the effect a requested variance would have on population, density and available government facilities.
 - (3) Effect on Neighbors or Neighborhood: The Board should consider the effect, if any, of the requested variance on the character of the neighborhood generally, or on adjoining properties.
 - (4) Alternatives to a Variance: The Board may consider whether the difficulty or hardship demonstrated by a party requesting a variance could be alleviated by some feasible alternative.

(5) Justice: The Board may consider the manner in which the difficulty arose and other matters that would bear on whether justice would be served by granting a variance.

F. The following rules will be considered by the Board of Adjustment when approving or denying a variance:

- (1) Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardship within the purpose of zoning. The applicant may not cite expenses incurred in violating this Regulation as a reason for granting relief from its terms.
- (2) Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to a future owner of the subject property, but it cannot be transferred by the applicant to a different site.
- (3) A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one year after the date it was granted, the variance can be canceled by the Board of Adjustment and written notices shall be given to the property owner.
- (4) In granting a variance, the Board of Adjustment may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Regulation. Violation of any of these conditions or safeguards shall be deemed a violation of this Regulation.
- (5) The Board of Adjustment does not possess the power to grant a “use” variance (authorizing a use of land or building that is not permitted as a principal use or structure, accessory use or structure in the district involves).
- (6) The Board of Adjustment may not grant a variance authorizing the enlargement of a nonconforming use, or in any way makes it more permanent.

G. The nature of the variance and any conditions attached to it shall be laid down in writing and duly recorded with the land title in the Office of the Recorder of Deeds, Pulaski County, Missouri. Any conditional requirements are enforceable in the same manner as any other applicable requirement of this Regulation.

SECTION 409.011 Interpretations

A. The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Land Use Administrator, they shall be handled as provided in Section 409.003 (Appeals).

- B. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Land Use Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretations. No filing fee shall be required.
- C. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, or streams shall be construed to follow such centerlines.
 - (2) Boundaries indicated as approximately following lot lines or City limit lines shall be construed as following such lines or limits.
 - (3) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map.
 - (4) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- D. The Board of Adjustment shall determine the exact location of any district boundary if application of the rules for interpretation provided in the foregoing Subsection C do not provide a solution to the uncertainty.
- E. Interpretations of the location of floodway and floodplain boundary lines may be made by the City Code Official as provided in Chapter 421.

SECTION 409.013 Review of the Application and Actions of the Board of Adjustment

- A. The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations in the following manner:
 - (1) The Land Use Administrator shall transmit to the Board of Adjustment the application for appeal, variance, or interpretation and all papers constituting the record upon which the action was taken.
 - (2) The Board of Adjustment shall fix a time for the hearing of the application, in accordance with this Chapter.
 - (3) The Board of Adjustment shall render a decision on the matter within a reasonable time after the hearing is held. Every decision of the Board of Adjustment shall be by resolution, each of which shall contain a full record of the findings of the Board of Adjustment in the particular case. Such records shall show that the Board of Adjustment considered in each case:

- (a) The evidence received;
 - (b) The findings of fact that it makes and upon which it bases its decisions;
 - (c) Its decision.
- B. A motion to deny an appeal or variance may be made on the basis that the criteria set forth in Section 409.003, Subsection C or Section 409.009, Subsection E are not satisfied, or that the application is incomplete. A motion to deny the appeal or variance is adopted as the Board's decision if it is supported by four of the five Board members (excluding vacant seats).
- C. If a motion to reverse or modify the order, requirement, decision, or determination of the Land Use Administrator is not made, or fails to receive the four-fifths vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by more than one Board member (See Section 402.023 Board of Adjustment Voting).

SECTION 409.015 Board of Adjustment Hearing Procedures

- A. Before making a decision on an appeal or an application for a variance, or interpretation, or a petition from the Land Use Administrator to cancel a variance, the Board of Adjustment shall hold a hearing on the appeal, application, or petition.
- B. Subject to Subsection C of this section, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- C. The Land Use Administrator shall give notice of the hearing required by this Chapter as follows:
- (1) Notice shall be given to the applicant or appellant by mailing a written notice not later than 15 days before the hearing. Written notice shall also be given to any other person who makes a written request for such notice.
 - (2) Notice shall be given to other potentially interested persons by publishing a notice one time in a newspaper having general circulation in the City of St. Robert not less than fifteen days prior to the hearing.
 - (3) Notice shall be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action. Such signs shall be posted not less than seven (7) days prior to the hearing.
 - (4) The notice required by this section shall state the date, time, and place of the hearing, reasonable identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

D. Upon the hearing, any party may appear in person or by attorney.

SECTION 409.017 Modification of Application at Hearing

- A. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- B. Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Land Use Administrator.

SECTION 409.019 Re-hearings Before the Board of Adjustment

- A. Any interested party may request that the Board reconsider any decision, which adversely affects such party. Such request shall be addressed to the Board of Adjustment in writing, and filed in the Land Use Administrator's office within ten (10) days of the Board's original decision on the subject. The request for rehearing shall be accompanied by a written statement setting out any alleged error or omission; any new, pertinent fact; or the material change in fact or circumstance upon which the request for rehearing is based. Requests for rehearing shall not be subject to the application filing fee.
- B. Notice shall be given to the parties in interest that a request for rehearing has been filed. Such notice shall include the time, date, and location of the next Board of Adjustment meeting, at which the request for rehearing will be decided.
- C. At its next meeting, the Board shall consider and vote on the request for rehearing, and, if approved, the request shall be reheard at the same, or at a subsequent Board meeting.
- D. When making its determination to rehear the request, the Board will limit the testimony to that presented by the party requesting the rehearing. The Board shall rehear the request only if it determines:
 - (1) Certain pertinent evidence was not presented, or
 - (2) An error which warrants correction was made at the original hearing, or
 - (3) There is new, pertinent evidence, or
 - (4) There has been a material change in fact or circumstance.
- E. All interested parties will be heard at the rehearing if the request for rehearing is granted.

SECTION 409.021 Record of Proceedings

- A. A tape recording shall be made of all hearings required by Section 409.001, and such recordings shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- B. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the City for at least two years.
- C. All persons desiring to address the Board shall be given an oath of affirmation prior to their testimony.

SECTION 409.023 Written Decision

- A. Any decision made by the Board of Adjustment regarding an appeal, interpretation or issuance or cancellation of a variance shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- B. In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts, whenever this Regulation requires the same as a prerequisite for taking action.

CHAPTER 410 ENFORCEMENT AND REVIEW

SECTION 410.001 Complaints Regarding Violations

Whenever the Land Use Administrator discovers or receives a written, signed complaint alleging a violation of this Regulation, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have or will be taken.

SECTION 410.003 Persons Liable

The owner, tenant, or occupant of any buildings or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Regulation may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

SECTION 410.005 Procedures Upon Discovery of Violations

- A. If the Administrator finds that any provision of this Regulation is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.
- B. The final written notice (and the initial written notice may be the final notice) shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the Board of Adjustment in accordance with Chapter 409.
- C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Regulation or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 410.007.

SECTION 410.007 Penalties and Remedies for Violations

- A. Violations of the provisions of this Regulation or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants or variances or conditional use permits shall constitute a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), plus costs, or a maximum 90 days confinement, or both.
- B. This Regulation may also be enforced by any appropriate equitable action.
- C. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- D. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Regulation.

SECTION 410.009 Permit Revocation

- A. Any permit authorized by these Regulations may be revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the submitted plans, any conditions for which the approved permit was based, any requirements of this Regulation, or any additional requirements lawfully imposed.
- B. Before a conditional use permit may be revoked, all of the public notice and hearing requirements of this Regulation shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - (1) The burden of presenting evidence sufficient to authorize the Board of Aldermen to conclude that a permit should be revoked for any of the reasons set forth in Subsection A shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
 - (2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- C. Before a zoning permit may be revoked, the administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefore.
- D. No person may continue to make use of land or buildings in the manner authorized by any permit authorized by this Regulation after such permit has been revoked in accordance with this Chapter.

SECTION 410.011 Judicial Review

- A. Every decision of the Board of Aldermen granting or denying a conditional use permit and every final decision of the Board of Adjustment shall be subject to review by the Circuit Court of Pulaski County by proceedings in the nature of certiorari.
- B. A petition for a writ of certiorari must be filed with the Circuit Clerk of Pulaski County within 30 days after the filing of the final decision made by the City Council, Planning and Zoning Commission or Board of Adjustments.
- C. A written copy of the decision made by the City Council, Planning and Zoning Commission or Board of Adjustments has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

CHAPTER 411 SUPPLEMENTARY USES

PART I: GENERAL PROVISIONS

SECTION 411.001 Temporary Residences

- A. The Land Use Administrator is authorized to grant the use of a temporary residence within any zoning district, provided it meets the requirements of this section. The Land Use Administrator may require certain conditions be met as are reasonable and necessary for protection of public health, safety and traffic under the circumstances.
- B. Construction trailers used on development sites shall be removed within 30 days of the completion of the project. Construction trailers shall be used for operational needs of the contractor during the development of the project, and shall not be used as a temporary residence as delineated in subparagraph C below.
- C. Temporary residences to be occupied during the construction, repair, or renovation of a permanent residential dwelling on site shall be permitted for not more than six months after the date the temporary residence was needed, except that the Land Use Administrator may renew such permit for an additional period not to exceed six months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential dwelling to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

PART II. SUPPLEMENTAL LAND USE PERFORMANCE STANDARDS

SECTION 411.005 Noise

- A. No permissible use in any commercial or industrial district may generate noise that tends to have an annoying or disruptive effect upon:
 - (1) Another use which is located outside the immediate space occupied by the enterprise generating the noise and is one of several located on the same lot, or;
 - (2) Other uses which are located on adjacent lots.
- B. Noise resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

SECTION 411.007 Vibration

- A. No permissible use in any commercial or industrial district may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at:

- (1) The outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or;
 - (2) The lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- B. Vibrations resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

SECTION 411.009 Odors

- A. For purposes of this section, the “odor threshold” is defined as the minimum concentration in air of a gas, vapor, or particle matter that can be detected by the olfactory systems of a panel of healthy observers.
- B. No commercial or industrial use may generate any odor that reaches the odor threshold, measured at:
- (1) The outside boundary of the immediate space occupied by the enterprise generating the odor.
 - (2) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

SECTION 411.011 Air Pollution

- A. Any commercial or industrial use that emits any “air contaminant” as defined by Missouri Statute shall comply with applicable state standards concerning air pollution as set forth in the Missouri Air Pollution Control Law.
- B. No zoning or conditional use permit may be issued with respect to any development covered by Subsection A until the Missouri Department of Natural Resources has certified to the permit issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to received such permits and that the development is otherwise in compliance with applicable air pollution laws.

SECTION 411.013 Disposal of Liquid Wastes

- A. No commercial or industrial use may discharge any waste contrary to the provisions of Missouri Statute governing discharges of radiological, chemical, or biological wastes into surface or subsurface waters. The Missouri Department of Natural Resources may require the developer to obtain permits prior to the disposal of certain liquid wastes.
- B. No commercial or industrial use may discharge into the City sewage treatment facilities any waste that is contrary to other City of St. Robert sewer ordinances, or any waste that cannot be adequately treated by biological means.

SECTION 411.015 Electrical Disturbance or Interference

A. No commercial or industrial use may:

- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or
- (2) Otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

PART III: HAZARDOUS USES

SECTION 411.017 Jurisdiction

Any land use, or facility which produces, uses, or stores any substance(s) appearing on the “List of Extremely Hazardous Substances” in an amount(s) equal to or in excess of the “threshold planning quantity” as defined by the most recent listing developed by the U.S. Environmental Protection Agency, (40 CFR, Part 355), or such use or facility which is otherwise under the jurisdiction of the Missouri Emergency Response Commission, shall be subject to the additional requirements outlined in this Part, conflicting provisions of this Regulation notwithstanding.

SECTION 411.019 Density and Dimensional Requirements

- A. Minimum lot area: One (1) acre.
- B. Minimum lot width at the building line: 150 feet.
- C. Minimum setback requirements, measured from building line:
 - (1) To street right-of-way line: 50 feet
 - (2) To lot boundary lines: 50 feet; if the use abuts any residential or mobile home district, no building or storage of materials may be located within 100 feet of a residential or mobile home district.

PART IV: TELECOMMUNICATIONS TOWERS

SECTION 411.021 Purpose

- A. The general purpose of this section is to regulate the placement, construction and modification of telecommunications towers, support structures, and antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of St. Robert. Specifically, this section is intended to:

- (1) Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the City of St. Robert;
- (2) Minimize adverse visual impacts of communications antennas and support structure through the careful design, siting, landscape screening and innovative camouflaging techniques;
- (3) Maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities;
- (4) Maximize the collocation of facilities on any new support structures;
- (5) Ensure that any new telecommunications tower or support structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;
- (6) Ensuring that regulation of telecommunications towers and structures does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service.

SECTION 411.023 Applicability

- A. All towers, antenna support structures and telecommunications facilities, any portion of which are located within the City of St. Robert, are subject to this regulation. All towers within the City of St. Robert, Missouri at the time of passage of this regulation shall be registered with the City Land Use Administrator within sixty (60) days from the effective date hereof together with the height, width and location thereof and a registration fee of fifty dollars (\$50.00). Failure to register an existing tower shall raise a presumption that said tower, was not a legal nonconforming use on the date of passage of this regulation. However, this regulation shall not apply to tower structures used, or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission or to towers and antennas used solely for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service, or the towers and antennas, support structure or masts are located on the primary business premises of a provider of communications services if used solely to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator or provider is in compliance with any federal, state or local laws, and does not encroach on the public rights-of-way.
- B. Notwithstanding any provisions contained in this section, any current legal use being made of an existing tower or antenna support structure on the effective date of this regulation shall be allowed to continue as a nonconforming structure. Any tower site that has received City approval in the form of either a conditional use permit or building permit, but has not yet been constructed or located within six (6) months of the date of the permit shall be considered a non-permitted structure.

SECTION 411.025 Legislative Findings

- A. On February 8, 1996, Congress enacted the federal Telecommunications Act of 1996 P.L. No. 104-104. The purpose of the Act included deregulation of the telecommunications industry and providing a more competitive environment for wired and wireless telecommunication services in the United States.
- B. The Telecommunications Act of 1996 preserves the authority of the City to regulate the placement, construction, and modification of towers and antenna support structures and to protect the health, safety and welfare of the public.
- C. The City has been granted the authority to enact legislation to regulate the construction, placement, and operation of Telecommunications towers and antennas pursuant to its zoning powers established in Chapter 89 of the Revised Statutes of Missouri and additionally pursuant to its general and specific police powers established by statute authorizing the regulations herein to protect the public health, safety and welfare.
- D. The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - (1) The regulation of the environmental effects of radio frequency emissions from telecommunications facilities, and
 - (2) The regulation of radio signal interference among users of the radio frequency spectrum.
- E. Consistent with the Telecommunications Act of 1996, the regulations of this Section will not have the effect of prohibiting the provision of personal wireless services, and do not unreasonably discriminate among functionally equivalent providers of such service. The regulations also impose reasonable restrictions to protect the public safety and welfare and ensure opportunities for placement of antennas with prompt approval by the City. This regulation does not attempt to regulate in areas within the exclusive jurisdiction of the FCC.
- F. The uncontrolled proliferation of towers in the City of St. Robert is threatened without adoption of new regulations, and would diminish property values, the aesthetic quality of the City, and would otherwise threaten the health, safety and welfare of the public.

SECTION 411.027 Definitions

As used in this Section, the following terms shall have the meanings and usages indicated:

- ❖ Act. The federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.
- ❖ AGL. Above ground level. Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty (50) feet from the center location of measurement.
- ❖ Antenna. Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar

forms of communications. The term shall exclude satellite earth station antennas less than two (2) meters in diameter (mounted within twelve (12) feet of the ground or building-mounted) and any receive-only home television antenna.

- ❖ Antenna support structure. Any building or other structure other than a tower, which can be, used for location of telecommunications facilities.
- ❖ Applicant. Any person that applies for a tower permit.
- ❖ Application. The process by which an applicant submits a request and indicates a desire to be granted a permit to construct, own or operate a tower within the City. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.
- ❖ Cabinet. A structure for the protection and security of communications equipment associated with one or more antenna where direct access to equipment is provided from the exterior and that has a horizontal dimensions that do not exceed four (4) feet by six (6) feet, and vertical height that does not exceed six (6) feet.
- ❖ City. The City of St. Robert, a municipal corporation, in the State of Missouri.
- ❖ Code. The Building Code of the City of St. Robert.
- ❖ Communications. The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.
- ❖ Council. The City of St. Robert, Missouri, City Council.
- ❖ Engineer. Any engineer licensed by the State of Missouri.
- ❖ FAA. The Federal Aviation Administration.
- ❖ FCC. The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- ❖ Height. The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.
- ❖ Modification. Any change, including the addition or replacement of antennas to a structure requiring a building permit or other governmental approval; except that the following shall not be deemed a modification requiring a building permit provided the conditions of the original permit and the requirements of this section

are not violated:

- (1) Any structural alterations or replacement of antennas to meet safety requirements, any structural alteration or,
- (2) Replacement of antennas that does not involve enlargement of the structure height and any alteration for normal maintenance.

- ❖ Permittee. Any person who has lawfully obtained a tower permit.
- ❖ Shelter. A building for the protection and security of communications equipment associated with one or more antennas and where access to equipment is gained from the interior of the building.
- ❖ Stealth. Includes any freestanding, man-made structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately-placed architectural or natural feature, which are designed to blend into the surrounding environment. Such structures may include but are not limited to clock towers, campaniles, observation towers, water towers, light standards, flagpoles and artificial trees.
- ❖ Telecommunications. The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.
- ❖ Telecommunications facilities. Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications as authorized by the Federal Communications Commission which a person seeks to locate or has installed upon a tower or antenna. However, the term "telecommunications facilities" shall not include:
 - (1) Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned and used for industrial or commercial;
 - (2) Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
 - (3) Any satellite earth station in excess of two (2) meters in diameter which is utilized for the reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.
- ❖ Tower. A self-supporting lattice, guyed or monopole structure constructed from grade, which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC. The term "tower" does not include utility poles which are utilized for the support of electrical, telephone, cable television, or other similar cables and wires, are located on public rights-of-ways or easements for that purpose and are a part of a system of such poles throughout the City of St. Robert, Missouri.

SECTION 411.029 General Requirements

- A. The requirements set forth in this section shall be applicable to all telecommunication towers, antennas and other installed, built or modified after the effective date of this Regulation to the full extent permitted by law.
- (1) Accessory Use. Antennas and towers may be either a principal use or an incidental use to nonresidential uses, subject to any applicable zoning district use restriction or setback requirement.
 - (2) Building Codes, Safety Standards, and Zoning Compliance. To ensure the structural integrity of antenna towers, the owner shall see that it is constructed and maintained in compliance with all standards contained in applicable state and local building codes and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required by this section, no antenna, or tower shall be erected prior to zoning authorization and the issuance of a building permit.
 - (3) Regulatory Compliance. All antennas and towers shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennas and towers. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction or modification of any antenna or structure permitted by this section shall be granted for any applicant having an uncured violation of this section or any other governmental regulatory requirement related to such antenna or structures within the City.
 - (4) Excess Capacity and Planned Future Use. Any applicant for building permit to install, build or modify any tower, shall furnish the Land Use Administrator a statement of the excess capacity of the tower and plans, if any, for anticipated growth. In addition the applicant must design the tower and indicate on the application that the tower will accommodate one additional antenna similar to the principal antenna.
- B. Collocation of Facilities. New towers constructed within the City with heights in excess of seventy (70) feet should be capable of accommodating one (1) additional carriers or telecommunications facility for one other provider of communications services (hereinafter referred to as “additional capacity”). Such additional capacity, if any, shall be designated on the application and site plans presented to the City prior to construction of the tower.
- C. Collocation or Installation. Any permittee whose tower in excess of seventy (70) feet which is constructed after the effective date of this section and which has been built in accordance with setbacks and special conditions granted to towers with collocation capabilities under this section, and which contains additional capacity for installation or collocation of telecommunications facilities as demonstrated at the time the application for construction was granted, shall agree to allow other persons to install or collocate telecommunications facilities on such a tower subject to reasonable terms and

conditions negotiated between the parties including the suitability of the proposed tenant, the credit record and technical abilities of the proposed tenant. For the purpose of collocation of antennas, a legal nonconforming tower may be used. However, in no event shall a permittee be required to allow collocation of facilities if to do so would result in technical interference with the delivery of permittee's service. Failure to permit collocation or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for collocation may result in any enforcement action as permitted in Sections 411.033 or 411.043 following a hearing as permitted in Section 411.033 hereof. Failure to comply with the provisions of this section constitutes a material violation of Section 411.029 of this regulation.

D. Special Exception from Height Exceptions and Buffer yards.

- (1) A permittee of an existing tower may modify the height of its tower to accommodate collocation of additional telecommunications facilities as long as the total height of the tower and telecommunications facilities attached thereto do not exceed a maximum height of one hundred-fifty (150) feet, unless provided for under authorization of a conditional use permit.
- (2) Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in Section 411.037, nor additional buffer yards or landscaping above that required for the original tower. The tower's pre-modification height shall be used to calculate such distance separations.

E. Same Tower Type. A tower, which is modified to accommodate the collocation of additional telecommunications facilities, shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval pursuant to Section 411.033 of this chapter.

F. Movement of Tower.

- (1) A tower which is being replaced to accommodate the collocation of additional telecommunications facilities may be moved on the same premises as it was constructed on, or an adjacent premises, within fifty (50) feet of its existing location as long as required setbacks and buffer yards are maintained.
- (2) A tower that is relocated pursuant to this section shall continue to be measured from the original tower site for the purpose of calculating the separation distances between towers pursuant to Section 411.037. The relocation of a tower under this section shall in no way be deemed to cause a violation.

SECTION 411.031 Permitted Uses

A. The placement of telecommunications facilities are permitted uses in all nonresidential zoned districts within the City as further set forth in this section.

- B. Telecommunications Facilities. Telecommunications facilities as described in Section 411.027, shall be a permitted accessory use to any commercial, industrial, professional or institutional structures, or on land owned by the City provided that the person making such accessory use registers the tower and obtains a building permit.
- C. The person making such accessory use files a written certification with the City Building Department establishing the following:
 - (1) That the total height of the antenna support structure and telecommunications facilities do not exceed the structural height limitations in the applicable zoning district under this chapter by more than twenty (20) feet;
 - (2) That the antenna support structure and telecommunications facilities comply with the City building code and any applicable state law, does not encroach on the public rights-of-way, and a building permit has been obtained from the St. Robert Building Department; and
 - (3) That any telecommunications facilities and antennas located on the roof of a building shall comply with setbacks required by the City building code, if any, and do not extend more than fifty (50) inches in the horizontal plane from the side of such an antenna support structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond fifty (50) inches. Any extension beyond fifty (50) inches must be approved by the administrative review of the City Code Official prior to construction of said antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the City, state or federal law that is applicable, encroach upon public rights-of-ways and does not pose any danger to the public.
 - (4) That the telecommunications facilities will utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the telecommunications facilities harmonize with the character and environment of the area in which they are located if technically feasible and such use will not degrade or distort the service signal. Antennas and support structures shall be painted to blend with the color of the building if such painting will not interfere with functioning of the antenna or support structure.

SECTION 411.033 Authorization by Building Permit.

- A. The placement of telecommunications facilities are permitted in all nonresidential zoning districts only by issuance of a building permit approved by the City Building Department:
 - (1) The attachment of additional or replacement antennas or shelters to any tower existing on the effective date of this regulation or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this section and the underlying zoning district are met.

- (2) The one-time replacement of any tower existing on the effective date of this regulation or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be of the same type as the original except that a guyed or self-supporting (lattice) tower may be replaced by a monopole. If the guyed or lattice tower to be replaced is one hundred eighty (180) feet or less in height, it shall be replaced with a monopole when possible. The height of the new tower may exceed that of the original by not more than twenty (20) feet. Subsequent replacements shall require the approval of a conditional use permit.
- (3) The construction of a disguised support structure provided that all related equipment shall be placed underground or concealed within the structure when the structure is located in any district other than a district authorizing industrial uses. Equipment may be placed in a cabinet if the support structure is incidental to an industrial, commercial, institutional or other nonresidential use.
- (4) The placement of dual polar panel antennas on wooden or steel utility poles not to exceed forty (40) feet in height provided that all related equipment is contained in a cabinet.
- (5) Towers erected and maintained for a period not to exceed thirty (30) days for the purpose of replacing an existing tower, testing an existing or proposed network.

B. Application Procedures.

- (1) Applications for building permits shall be made on the appropriate forms to the City Building Department and accompanied by payment of the established fee.
- (2) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements including buildings, drives, walkway, parking areas and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the footprint outline and height AGL of the existing or proposed tower.
- (3) The application shall be reviewed by the City Building Department to determine compliance with the above standards and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
- (4) The Code Official shall issue a decision on the permit within ten (10) days of the date of application or the application shall be deemed approved. The Code Official may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this section. The Code Official may consider the purposes of this section and the factors established herein for recommending a conditional use permit as well as any other considerations consistent with this regulation. A decision to deny an application shall be made in

writing, and state the specific reasons for the denial.

- (5) Appeals. Any applicant who is denied a tower permit application, or who is determined by the Land Use Administrator to be in violation of this section shall have the right to appeal the decision before the St. Robert Board of Adjustments. At the request of the applicant, a formal public hearing shall be set on the agenda at the next available St. Robert Board of Adjustments meeting following the denial of an application, or the determination of a violation and shall consider, in addition to a determination of whether or not a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this section. In the event the Board of Adjustments finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for collocation, and said tower is not being made available for joint use or collocation as indicated at the time of application, the Board of Adjustments may suspend or revoke the permit. Final decisions of the Board of Adjustments shall be subject to judicial review pursuant to Chapter 536, Revised Statutes of Missouri.

SECTION 411.035 Conditional Use Permit Required

- A. All proposals to install, build or modify an antenna or support structure not permitted by Sections 411.031 or 411.33 above, shall require the approval of a conditional use permit following a duly advertised public hearing by the Planning and Zoning Commission.
 - (1) Applications for conditional use permits shall be filed and processed subject to and in the manner and time frame as established in Chapter 406 of this regulation. A decision by the Planning and Zoning Commission shall be accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be submitted with the application or thereafter or presented during the public hearing by the applicant or others.
 - (2) Additional Minimum Requirements. No conditional use permit shall be issued unless the applicant has clearly demonstrated by substantive evidence that placement of an antenna or structure pursuant to Section 411.031 (Permitted Uses) or Section 411.033 (Authorization by Building Permit) is not technologically or economically feasible. The Planning and Zoning Commission may consider current or emerging industry standards and practices, among other information, in determining feasibility.
 - (3) Findings Required. In addition to the determinations or limitations specified herein and by Chapter 406 for the consideration of conditional use permits, the Planning and Zoning Commission shall also base its decision upon, and shall make findings as to, the existence of the following conditions:
 - (a) That the proposed tower is not and cannot be located within a communications tower multi-use interest area as designated by such map, or if so located, meets the collocation requirements of this Section.

- (b) No existing towers, structures or buildings within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering:
 - (1a) Height;
 - (2b) Structural strength;
 - (3c) Resulting signal interference;
 - (4d) Feasibility of retrofitting;
 - (5e) Feasibility of redesigning the applicant's tower network; or
 - (6f) Other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable.
 - (c) That the design of the tower or structure, including the antenna, shelter and ground layout maximally reduces visual degradation and otherwise complies with provisions and intent of this section. New towers shall be of a monopole design, unless it is shown that an alternative design would equally or better satisfy this provision.
 - (d) That the proposal minimizes the number and/or size of towers or structures that will be required in the area.
 - (e) That the applicant has not previously failed to take advantage of reasonably available collocation opportunities or procedures provided by this regulation or otherwise.
 - (f) That no land owned by any agency of the federal or state government, or by any political subdivision of the state, is available for locating the structure or tower.
- (4) If any one, but not more than one, of the first six (6) determinations is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this section.
- (5) Additional Limitations.
- (a) No tower shall be approved at a height exceeding one hundred eighty (180) feet AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public safety communications system of a governmental entity sharing the tower. Such showing must also be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The opinion of the consultant shall include a statement that no available alternatives exist to exceeding the height limit or the reason why such alternative is not viable.

- (b) If the City has by order agreed to participate in a multi-municipality commission to coordinate new tower or structure applications, an application made pursuant to this section shall also be submitted to such Planning and Zoning Commission simultaneous with the filing of the request with the City. The Planning and Zoning Commission may consider any comments from such Planning and Zoning Commission but shall not allow a delay in receiving such comments to significantly delay a decision on the conditional use permit.

SECTION 411.037 Design and Construction Standards

A. Design.

- (1) Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable state or federal agency, be painted a neutral color consistent with the natural or built environment of the site.
- (2) Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located.
- (3) Antenna attached to a building or stealth antenna tower shall be of a color identical to or closely compatible with the surface to which they are mounted.
- (4) All permittee's shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas and side mounting antennas unless such use shall create a hazard for the t public or it is not technically feasible to use such design and collocate other facilities on the tower.
- (5) Advertising. Unless a stealth antenna tower in the form of an otherwise lawfully permitted pole sign, the placement of advertising on structures regulated by this section is prohibited.

B. Setbacks.

- (1) All towers shall be set back a distance equal to fifty (50) percent of the height of the tower up to one hundred (100) feet, plus one foot for each foot over one hundred (100) feet in height, unless the tower is designed for collocation.
- (2) Set back requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.

- C. Structural Requirements. All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the City's building code, any applicable state laws, and other standards outlined in this Regulation. A building permit must be obtained from the City before construction may begin.

D. Separation or "Buffer" Requirements.

Designated Area	Separation (Buffer) Distance
Residential Single-family, Two-family, Multiple-family or Manufactured Home zoning districts.	300 feet. If the tower is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Commercial, Planned Unit Developments, or Public Use zoning districts.	200 feet or 100% of the height of the tower, whichever is greater.
Agricultural zoning districts.	100 feet or 100% of the height of the tower, whichever is greater.
Industrial zoning districts.	None; only setbacks apply.

- (1) Towers shall be separated from the types of areas designated below in compliance with the minimum standards established in the table set forth below unless constructed on the same site as another tower designed for the same purpose, the second tower is permitted by the zoning district, and the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located.
- (2) Measurement of tower separation distances for the purpose of compliance with this section shall be measured from the center of a tower to the closest point of a designated area as specified in the table above set forth.
- (3) Separation distances set forth in this subsection may be reduced for towers designed for the collocation of telecommunications facilities of other carriers by obtaining an exception to said distances for towers not requiring a building permit by demonstrating to the City Code Official:
 - (a) have the effect of preventing service to an area of the City; or
 - (b) constitute a barrier to entry into the market place by the applicant; or
 - (c) will constitute a technical or economic hardship on the applicant.
- (4) Additionally, the applicant must demonstrate that;
 - (a) the location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located, and that landscaping techniques will be used to screen the tower from any adjacent residential use, and
 - (b) the proposed tower will accommodate at least one (1) additional carrier of various telecommunications services.

- (5) The Planning and Zoning Commission shall consider the information presented by the applicant and determine if a special exception would conflict with the purposes of this section, would create blight on adjacent property, or interfere with adjacent uses, within the separation area. If the tower requires a conditional use permit, then said showing shall be made to the Planning and Zoning Commission and City Council as a part of the conditional use permit process.
- (6) Proposed towers must meet the following minimum separation requirements from towers existing at the time a permit is granted unless constructed for the purpose of providing collocation capacity on the same site as another tower designed for the same purpose, the second tower is permitted by the zoning district, and the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located. However, an exception from separation distances between towers may be obtained from the Planning and Zoning Commission if the applicant can demonstrate that such an exception is necessary for the engineering design of the system the tower is to be a part of, or that no other option is available to provide coverage for the service area or the tower is designed for collocation of telecommunications facilities or joint use by carriers.

EXISTING TOWERS - TYPES

PROPOSED TOWERS / TYPES		Lattice or Guyed 150 ft in Height or Greater	Lattice or Guyed less than 150 ft in Height	Monopole towers 75 ft in Height or Greater	Monopole towers less than 75 ft in Height
	Lattice	3,000 feet	2,500 feet	1,500 feet	750 feet
	Guyed	3,000 feet	2,500 feet	1,500 feet	750 feet
	Monopole 75 ft in Height or Greater	1,500 feet	1,500 feet	1,500 feet	750 feet
	Monopole less than 75 ft in Height	750 feet	750 feet	750 feet	750 feet

For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center, pursuant to a site plan, of the proposed tower.

- E. Method of Determining Tower Height. The height of the tower shall be measured as the vertical distance between the highest point of the tower and the natural grade below this point.
- F. Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) and provisions of the City code except that seasonal lighting may be permitted as approved by the City. At time of construction of a tower dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the tower from the tower.

- G. Finished Color. Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an almond, light gray, silver or white finish .
- H. Fencing and Screening. Fences must be constructed around or upon parcels containing towers, antenna towers or telecommunications facilities and shall be constructed in accordance with Chapter 426 Landscaping, Screening and Clearing.
- I. Landscaping. All landscaping on parcels containing towers, antenna towers or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna tower or telecommunications facilities are located. Existing vegetation shall be maintained to the extent possible. However, the City may require additional landscaping if to do so would make the tower, antenna tower or telecommunications facility more reasonably compatible with the surrounding area, but in no event shall additional landscaping exceed the requirements as set out in Section 411.035. All vegetation used in the landscaping shall be located outside any fenced area.
- J. Security. All towers must be secured to protect against trespass or unauthorized use of the property, tower or telecommunications facilities.
- K. Access. All parcels upon which towers are located must provide access to at least two (2) vehicular parking spaces located within one hundred (100) feet of the tower. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.
- L. Maintenance.
 - (1) Permittee's shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 - (2) Permittee's shall install and maintain towers, telecommunications facilities, wire, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.
 - (3) All towers, telecommunications facilities and antenna towers shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- M. Drainage. All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the Land Use Administrator.

SECTION 411.039 Abandonment of Tower

- A. In the event the use of any tower has been discontinued for a period of two (2) years such tower shall be deemed abandoned.
- B. The City shall provide the tower owner three (3) months notice and an opportunity to be heard before the Planning and Zoning Commission before declaring the tower abandoned. In the event the tower owner provides evidence of intended use of the tower, an extension of no more than one (1) year may be granted.
- C. The City shall provide the tower owner with the right to a public hearing before the Planning and Zoning Commission, which public hearing shall follow the three (3) month notice. All interested parties shall be allowed an opportunity to be heard at the public hearing.
- D. After a public hearing is held pursuant to this section, the Planning and Zoning Commission may order the removal or demolition of the tower. The Planning and Zoning Commission's final decision shall be subject to judicial review pursuant to Chapter 536, Revised Statutes of Missouri.

SECTION 411.041 Commercial Operation of Unlawful Tower or Antenna

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or disguised support structure in violation of any provision of this regulation, regardless of whether such antenna or structure is located on land owned by a governmental entity.

SECTION 411.043 Penalty

Any person violating this provision shall be subject to a fine of not more than five hundred dollars (\$500.00) or ninety (90) days in jail or both. Each day the violation continues shall constitute a separate offense.

SECTION 411.045 Severability

If any section, subsection, sentence, clause, phrase or portion of this regulation is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 411.047 Repeal of Laws in Conflict

This regulation supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

CHAPTER 412 DENSITY AND DIMENSIONAL REGULATIONS

SECTION 412.001 Minimum Lot Size

- A. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one principle building on a lot except as otherwise provided in this Regulation.
- B. All lots in the designated zones shall have at least the amount of square footage indicated in Section 412.015. Subject to Section 412.005, every lot developed for residential purposes shall have a lot area equal to or greater than that indicate in Section 412.015, based on the number of dwelling units. In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.

SECTION 412.003 Residential Floor Area

Every building hereafter erected, or structurally altered, to be used as a residential dwelling shall contain at least a minimum of 675 square feet of gross building floor area.

SECTION 412.005 Minimum Lot Widths

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - (1) Could be used for purposes that are permissible in that zoning district, and
 - (2) Could satisfy any applicable setback requirements for that district.
- B. Without limiting the generality of the foregoing standard, Section 412.015 indicates minimum lot widths that satisfy the standard set forth in Subsection A. The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.
- C. No lot, that is less than the minimum lot width set forth in Section 412.015, shall be entitled to a variance from any building setback requirement.

SECTION 412.007 Setback Requirements

- A. Subject to Section 412.009, and the other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth in this Chapter.
 - (1) As used in this section, the term “building” includes any substantial structure, which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity

similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

- (a) Gas pumps and overhead canopies or roofs.
 - (b) Light standards for parking lot lighting.
 - (c) Satellite receiving dishes.
 - (d) Fences running along boundaries adjacent to public street rights-of-way if such fences exceed six feet in height.
- (2) As used in this section, the term “lot boundary line” refers to lot boundaries other than those that abut the streets.
 - (3) The building setback table indicates the minimum setback for buildings in each zoning district. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
- B. The Land Use Administrator may waive the setback from lot boundary lines for buildings in “C” commercial or “I” industrial zones when a common fire wall is provided between buildings.
 - C. Whenever a lot in a “C” commercial district or the “I-1” industrial district has a common boundary line with a lot in an “R” or “R-M” residential district, no building, structure, or any storage or display of merchandise, equipment, or vehicles on the commercial or industrial lot is allowed within 25 feet of the boundary line shared with property in the “R” or “R-M” district.
 - D. Whenever a lot in the “I-2” industrial district has a common boundary line with a lot in a “R” or “R-M” residential district, no building, structure, or any storage or display of merchandise, equipment, or vehicles on the commercial or industrial lot is allowed within 100 feet of the boundary line shared with property in the “R” or “R-M” district.
 - E. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.)
 - F. Buildings located adjacent to private roads serving, or intended to serve, more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units, shall be set back from the centerline of the private road a minimum of 15 feet.
 - G. Light standards at points of ingress and egress are allowed within the minimum yard setback when approved by the Public Works Director.

- H. Motor vehicles, mobile homes, trailers, boats, or equipment parked, stored or displayed outside shall be located:
 - (1) No closer than five (5) feet from any street right-of-way line; and
 - (2) So as to not encroach upon any portion of a utility easement or easement of access.
- I. In PUD zoning districts, no lot may have both a zero (0) side yard and a zero (0) rear yard.

SECTION 412.009 Accessory Building Setback Requirements

- A. All accessory buildings in “R” residential districts must comply with the street right-of-way and side lot boundary setbacks set forth in Section 412.015, but subject to the remaining provisions of this subsection, shall be required to observe only a five (5) feet setback from rear lot boundary lines.
 - (1) Maximum lot coverage of an accessory building shall not exceed 30% percent of the rear yard area.
 - (2) No accessory building, structure, or appurtenance thereon shall extend into any public right-of-way, utility easement or easement of access.
- B. All accessory buildings in non-residential districts must comply with the designated street right-of-way and side yard setback requirements.

SECTION 412.011 Building Height Limitations

- A. For purposes of this section:
 - (1) The height of a building shall be the vertical distance measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.
 - (2) A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof’s surface, whichever is greater.
- B. Subject to the remaining provisions of this section, building height limitations in the various zoning districts shall not exceed those identified in Section 412.015.
- C. The height limitations delineated in Section 412.015 may be amended for nonresidential structures at the recommendation of the Commission and the approval of the Board of Aldermen. If the structure to be constructed meets the use group design and construction type requirements for height limitations and area modifications as delineated in the adopted building code of the City.
- D. Subject to Subsection E, the following features are exempt from the district height limitations as set forth in Section 412.015:

- (1) Chimneys, church spires, elevator shafts, and similar structural appendages not included as places of occupancy or storage.
 - (2) Flagpoles and similar devices.
 - (3) Heating and air condition equipment, solar collectors, and similar equipment, fixtures, and devices.
- E. The features listed in Subsection D are exempt from the height limitations set forth in Section 412.015 if they conform to the following requirements:
- (1) Not more than one-third of the total roof area may be consumed by such features;
 - (2) The features described in Subsection D (3) above must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached;
 - (3) The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in Subsections D (1) and (3) from view.
- F. Towers and antennas are allowed in all zoning districts to the extent authorized in Chapter 404 (Permissible Uses). Telecommunication towers are governed by the criteria delineated in Chapter 411 of this Regulation.

SECTION 412.013 Sight Triangle Regulations

Other provisions of this Regulation notwithstanding, on corner lots, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision, which exceeds three (3) feet in height above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points ten (10) feet from their point of intersection or at equivalent points on private streets.

SECTION 412.015 Lot Density and Dimensional Tables

A. Residential Land Use Density and Dimensional Table:

District:	A-1	R-1L	R-1M	R-1H	R-2	R-3	R-M
Minimum Lot Area	3 acres	35,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	6,000 sq. ft.
Maximum Density	1 dwelling unit/ 3 acre	1 dwelling unit/ 1 acre	4 dwelling units/ 1 acre	6 dwelling units/ 1 acre	4 dwelling units/ 1 acre	28 dwelling units/ 1 acre	8 dwelling units/ 1 acre
Minimum Lot Width	200 feet	125 feet	75 feet	65 feet	70 feet	75 feet	60 feet
Front Yard Setback	Minimum of 35 feet	Minimum of 25 feet	Minimum of 20 feet	Minimum of 25 feet	Minimum of 20 feet	Minimum of 20 feet	Minimum of 15 feet
Side Yard	Minimum of	Minimum of	Minimum of	Minimum of	Minimum of	Minimum of	Minimum of

Setback	25 feet	15 feet	10 feet	5 feet	10 feet	10 feet	10 feet
Rear Yard Setback	Minimum of 50 feet	Minimum of 30 feet	Minimum of 15 feet	Minimum of 20 feet	Minimum of 20 feet	Minimum of 20 feet	Minimum of 15 feet
Building Height	Maximum of 35 feet	Maximum of 40 feet	Maximum of 35 feet				
Percentage of Lot Coverage	Maximum of 25% for all buildings	Maximum of 30% for all buildings	Maximum of 40% for all buildings				

B. Non-residential Land Use Density and Dimensional Table:

District:	C-O	C-1	C-2	P-1	I-1	I-2	PUD
Minimum Lot Area	6,000 sq. ft.	6,000 sq. ft.	N/A	N/A	N/A	N/A	Approved by Municipality
Maximum Density	N/A	N/A	N/A	N/A	N/A	N/A	Approved by Municipality
Minimum Lot Width	70 feet	65 feet	70 feet	N/A	75 feet	100 feet	Approved by Municipality
Front Yard Setback	Minimum of 25 feet	Minimum of 30 feet	Minimum of 30 feet	Minimum of 40 feet	Minimum of 30 feet	Minimum of 50 feet	Approved by Municipality
Side Yard Setback	Minimum of 10 feet	Minimum of 10 feet	Minimum of 10 feet	Minimum of 20 feet	Minimum of 10 feet	Minimum of 50 feet	Approved by Municipality
Rear Yard Setback	Minimum of 10 feet	Minimum of 15 feet	Minimum of 15 feet	Minimum of 30 feet	Minimum of 35 feet	Minimum of 50 feet	Approved by Municipality
Building Height	Maximum of 40 feet	Maximum of 50 feet	Maximum of 50 feet	N/A	Maximum of 50 feet	Maximum of 60 feet	Maximum of 40 feet
Percentage of Lot Coverage	Maximum of 40% for all buildings	Maximum of 40% for all buildings	Maximum of 40% for all buildings	Maximum of 60% for all buildings	Maximum of 40% for all buildings	Maximum of 40% for all buildings	Greater open space areas are created

C. All front yard setback distances shall be measured in a straight line from the street right-of-way line to the building or structure the street provides frontage to. In the case of corner lots, the minimum front yard setback distance shall apply to both sides of the building or structure that the two streets provide frontage to.

CHAPTER 413 FENCES

SECTION 413.001 General Guidelines

- A. A building permit shall be issued on behalf of the owner authorizing for the placement, construction, erection and relocation of fences, provided they meet the requirements of this Section.
- B. Prohibited Fences - No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
 - (1) The installation of electric fences shall be prohibited in all zoning districts.
 - (2) Barbed wire fences or barbed wire assemblies atop fences shall be prohibited in all zoning districts. Protection of municipal utilities, wells, towers, generators, etc. are exempt from this prohibition for security purposes.
 - (3) Any fence constructed of chicken wire, cattle panels or materials of similar characteristic shall be prohibited in all residential and commercial districts.
- C. For purposes of this Section, the following types of fences are recognized:
 - (1) Barrier Fence: A structure or barrier constructed of wooden or metal parts, rails, boards, masonry, etc., and used to mark a boundary or to define and enclose a specific area for the purposes of protection privacy or confinement. For the purposes of this section a freestanding wall erected for protection, privacy or confinement shall be regulated as a barrier fence.
 - (2) Decorative Fence: A structure, composed of wooden or metal parts, and used in a manner, which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure of barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.

SECTION 413.003 Barrier Fences

- A. Location of barrier fences - Barrier fences shall not be located outside or beyond the property or lot boundary lines of the lot upon which the fence shall be placed, or within any dedicated easements of record.
 - (1) Barrier fences running along side lot boundaries, which are adjacent to public street rights-of-ways, shall be setback 1 foot upon such lot if fences exceed six (6) feet in height. Fences shall not enclose public sidewalks or walkways.
 - (2) No barrier fence shall be placed, constructed or erected which will constitute a traffic hazard or encroach upon the ten (10) foot sight triangle as defined in Section 412.013.

- (3) Barrier fences may be located across utility easements, provided that the portion of the fence extending across such easement can be easily separated and removed from the remaining portion of the fence, in order to gain access to the easement. As an alternative to removable sections, the owner may install a gate to provide access to the easement. In platted residential subdivisions that have easements located parallel with side lot property lines, approval for the erection of fencing within the easement area can only be authorized by all effected utility company's having access to said easement. Authorization must be submitted in writing with the building permit application.
 - (4) Barrier fences shall not be placed in front yards in residential areas, nor shall they be placed within a commercial business frontage.
 - (5) A barrier fence, six feet (6) in height, shall be constructed around all dumpsters, which can be viewed from any street right-of-way. This barrier fence shall completely surround the dumpster and have a gate on one side to allow access to the dumpster. Barrier fences surrounding dumpsters shall be constructed of noncombustible materials.
- B. Height of barrier fences - No barrier fence shall be placed, constructed or erected which exceeds eight (8) feet in height. The following land uses or situations are exempted from this requirement, and may erect fences in excess of eight (8) feet:
- (1) Public or parochial schools, playgrounds, athletic facilities.
 - (2) Municipal utility and maintenance facilities.
 - (3) Institutional uses, including penal institutions.
 - (4) Developments required by conditional use permit or elsewhere in this Regulation to erect a fence as part of a landscaping or screening plan.

SECTION 413.005 Decorative Fences

- A. Location - Decorative fences shall not be located outside or beyond the property or lot lines of the lot upon which said fence shall be placed, or within any dedicated easements of record. Decorative fences may be placed in the following locations:
- (1) That portion of the lot which lies between the front lot line (or street right-of-way) and the front yard setback line established by the building or buildings erected upon said lot.
 - (2) Between the lot boundary line and the platted side and/or rear yard setback line.
 - (3) Crossing utility easements, provided that the portion of the decorative fence extending across such easement may be easily separated and removed from the remaining portion of the decorative fence, in order to gain access to the easement. As an alternative to removable sections, the owner may install a gate to provide access to the easement. In platted residential subdivisions that have

easements located parallel with side lot property lines, approval for the erection of fencing within the easement area can only be authorized by all effected utility company's having access to said easement. Authorization must be submitted in writing with the building permit application.

- B. No decorative fence shall be placed, erected or constructed which will constitute a traffic hazard or encroach upon the ten (10) foot sight triangle as defined in Section 412.013 of this Regulation.
- C. Height - Decorative fences shall not exceed four (4) feet in height.
- D. Decorative fences shall be constructed, by way of illustration, in a style similar to split-rail, picket, or wrought-iron fences. Decorative fences although not restricted to these particular styles, must be designed so that they are essentially open, and not solid, fences.

CHAPTER 414 ACCESSORY BUILDINGS

SECTION 414.001 Accessory Building

Definition: Any building, the use of which is incidental to the principal use of another structure on the same premises.

SECTION 414.003 Accessory Building Location

- A. General. Accessory buildings shall occupy the same lot as the main use or building, and shall not be placed within any utility easement.
- B. Separation from main building. All accessory buildings shall be separated from the main building by ten (10) feet.
- C. Private garages. An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that the required setbacks are maintained and the structures do not encroach into any recorded easements. The building shall be permitted to be located in the front yard of a sloping lot if the lot has more than a ten (10) foot difference in elevation from the midpoint of the front lot line to a point 50 feet away midway between the side lot lines.
- D. Storage buildings. All accessory buildings used for storage or other similar use shall be permitted to be located in any portion of the rear yard or side yard provided that the required setbacks are maintained. No storage building shall be located in the front yard. Manufactured homes shall not be considered or allowed for use as a storage building.

SECTION 414.005 Accessory Building Setback Requirements

- A. All accessory buildings in “R” residential districts must comply with the street right-of-way and side lot boundary setbacks set forth in Section 412.015, but subject to the remaining provisions of this subsection, shall be required to observe only a five (5) feet setback from rear lot boundary lines.
 - (1) Where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot boundary lines an additional two feet for every foot of height exceeding 12 feet.
 - (2) Maximum lot coverage of the aggregate sum of the gross floor area of principal and accessory buildings shall not exceed 40 percent of the lot.
 - (3) No accessory building, structure, or appurtenance thereon shall exceed 30 percent of the lot rear yard area.
- B. All accessory buildings in non-residential districts must comply with the street right-of-way and side yard boundary setbacks set forth in Section 412.015.

SECTION 414.007 Accessory Building Maintenance

All accessory structures, including detached garages, sheds, gazebos and the like, shall be maintained in structurally sound condition and in good repair so as not become a nuisance.

CHAPTER 415 STREET NAMES AND ADDRESS NUMBERING

SECTION 415.001 Official system established.

The Land Use Administrator shall establish a numbering system for all buildings and vacant lots in the City in accordance with Pulaski County 911 addressing standards.

SECTION 415.003 Assignment of numbers.

The Land Use Administrator shall assign street numbers to houses, buildings or vacant lots in the City, upon request of the owners thereof or whenever, in the opinion of the Land Use Administrator, it would be in the public interest to do so.

SECTION 415.005 Display of numbers.

The owner or occupant of each residential dwelling in the City shall be required to place in a conspicuous location, visible from the street, numbers which shall conform to the number assigned thereto. Such numbers shall be three inches (3”) in height and legible from the street, and shall be located on the building within view of a three-foot perimeter of the main entrance. The assigned street numbers may also be displayed in additional locations at the discretion of the property owner. The assigned numbers shall be sharp color contrast to the house or building to which they are attached. In areas where the house or building is located more than one hundred (100) feet from the centerline of the street, the assigned number may be displayed in the yard visible when viewing the main entrance. Numbers for nonresidential uses shall be a height of six inches (6”).

SECTION 415.007 Obtaining of official number prerequisite to issuance of building permit.

A building permit for the construction of any residential or nonresidential building requiring a street number in the City shall not be issued until the applicant therefore has obtained from the Land Use Administrator a street number for such building.

SECTION 415.009 Use of unofficial number prohibited.

It shall be unlawful for an owner or occupant of any residential or nonresidential building or vacant lot to which an official number has been assigned by the Land Use Administrator to use any other number for such residential or nonresidential building or vacant lot.

SECTION 415.011 Street Names and Street Name Signs

- A. Street names shall be assigned by the developer in accordance with the guidelines set forth in this Section and the requirements set forth in the local jurisdiction’s 911 procedures. All street names shall be subject to the approval of the Planning and Zoning Commission.

- (1) Names should be pleasant sounding, appropriate, easy to read so that public and children in particular, can handle the name in an emergency situation.
 - (2) Large developments should use a single, significant category; small subdivisions should use the same category as the surrounding or adjacent area, which helps establish location identity.
 - (3) Unacceptable street names - Numerical names (1st, 2nd, etc.); alphabetical letters (A, B, C, etc.); frivolous, complicated, or undesirable names; unconventional spelling.
- B. Similar sounding names are considered to be duplication regardless of spelling (such as “Beach” and “Peach”, “Linwood” and “Lynwood”), or addition of a different suffix (such as Maple “Street” and Maple “Drive”). No duplication of names should occur within the projected service area of a U.S. Post Office, or local fire and police departments.

SECTION 415.013 Continuity

- A. A continuous street, or one proposed to be continuous, shall bear the same name throughout, even if it changes directions. If it is interrupted by a highway, watercourse, railroad, etc., the segments should, as is reasonable, bear the same name throughout.
- B. Street name signs, approved by the Director of Public Works, shall be installed by the developer at the intersection of all streets and highways and at such other locations as may be determined to be necessary by the Director of Public Works.

CHAPTER 416 STREET RIGHT-OF-WAY IMPROVEMENTS

SECTION 416.001 Purpose

- A. The quality of design of the urban area is dependent on the quality of design of individual plats and subdivisions that compose it. The arrangement of blocks and lots and the street system shall be designed to make the most advantageous use of existing topography and natural physical features, including tree masses and large individual trees.
- B. Adjacent properties shall be considered in the plat design and shall not be landlocked.
- C. All street infrastructure design and construction shall comply with the standards and requirements set forth in the Infrastructure Development Regulations on file with the Department of Public Works.
- D. All street infrastructure development within residential and nonresidential subdivisions shall integrate with the master street plan delineated in the City Comprehensive Plan to ensure greater accessibility by vehicle and pedestrian traffic, and safely and efficiently transport projected traffic uses throughout the City.

SECTION 416.003 Street Classification

- A. In all new subdivisions, streets that are to be dedicated to public use shall be designed to adequately and safely handle projected traffic loads as provided for, by not limited to, the following:
 - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 - (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
 - (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision, or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- B. Streets that are to be dedicated to public use shall be classified as follows:
 - (1) Local. A street whose sole function is to provide access to abutting properties. Cul-de-sac and loop streets are considered to be local streets.
 - (2) Collector. A major street whose principal function is to connect local streets with collector or arterial streets, but that also may provide direct access to abutting properties.

- (3) Arterial. A major street in the City's street system that serves as an avenue for the circulation of traffic into, out of, or around the City and carries high volumes of traffic.

SECTION 416.005 Access to Lots

Every lot shall be designed to provide a satisfactory and desirable building site, and shall abut on a public street and a utility easement.

SECTION 416.007 Access to Major Streets

- A. Arterial Streets. Whenever a subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto the arterial street.
- B. Collector Streets. Similarly, to the extent practicable, direct driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

SECTION 416.009 Entrances to Streets

All driveway entrances and other openings onto streets within the City of St. Robert shall be constructed in accordance with the regulatory requirements set forth in Section 416.039 of these Regulations, and the construction standards set forth in the St. Robert Infrastructure Development Regulations.

SECTION 416.011 General Layout of Streets

- A. All subdivision streets shall be designed and arranged to provide for the continuation of existing streets in adjoining subdivisions and, to the extent possible, the anticipated projections of streets through adjoining unsubdivided or undeveloped property to allow for convenient movement of vehicular traffic and the orderly development of adjoining property and shall adhere to the City's master street plan where applicable.
- B. Major Streets. Arterial and collector streets through plats shall conform to the major street plan incorporated in the City of St. Robert Comprehensive Plan and the design criteria set forth in the City's Infrastructure Development Regulations. Major streets shall be continuous, and in alignment with existing, planned, or platted streets with which they are to connect. Wherever a plat abuts or is divided by a major street designated by the City Plan, whether any part thereof has or has not been dedicated or used by the public, the developer shall dedicate any lands within such plat, which are necessary to provide conformity with the major street plan. Such dedication shall be shown on the plat, and the developer shall receive no compensation for such dedication.
- C. Local Streets. Local streets shall connect with surrounding streets (including existing, planned, or platted streets) where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the

use of such streets by substantial through traffic. Local residential streets shall be curvilinear in design, to avoid conformity of lot appearance.

- D. Cul-de-sacs, circles and loop streets are encouraged so that through traffic on minor residential streets is minimized. Cul-de-sacs shall be no longer than five hundred (500) feet, and shall terminate in an open circular paved space having a minimum diameter of ninety (90) feet to outside of pavement or curb. No curb and gutter shall be required on the circle of a temporary cul-de-sac where the street has been dedicated for continuation beyond the temporary turning circle.
- E. All permanent dead-end streets (as opposed to temporary dead-end streets, see Subsection H, below) shall be developed as cul-de-sacs in accordance with the standards set forth in Subsection 416.011 (C). Except where no other practicable alternative is available, such streets may not extend more than 500 feet (measured to the center of the turnaround).
- F. Half-streets (i.e., streets of less than full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this chapter.
- G. Frontage Roads. Whenever a plat abuts or contains an existing or proposed major street, railroad or non-residential land use, the Planning and Zoning Commission may require frontage roads, screen plantings, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- H. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Planning and Zoning Commission may require temporary turnarounds to be constructed at the end of such streets pending their extensions when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding other provisions of this Section, no temporary dead end street in excess of 1,000 feet may be created unless no other practicable alternative is available.

SECTION 416.013 Relationship to Topography

- A. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater runoff objectives as set forth in the City's Infrastructure Development Regulations, and street grades shall conform as closely as practicable to the original topography.
- B. Where unusual or exceptional conditions exist, the Planning and Zoning Commission may individually review and modify these requirements, however, in no case may streets be constructed with grades in excess of fifteen (15) percent, except that a residential street may have a maximum grade of twenty (20) percent when it is not a dead-end street.

SECTION 416.015 Creation of Blocks; Street Intersections

A. Block Length:

- (1) Intersecting streets, which determine lengths, shall be provided at such intervals as to provide adequate access and to meet existing streets in the neighborhood.
- (2) Where no existing plats are recorded, the blocks shall not exceed one thousand five hundred (1,500) feet in length except where topography or other conditions justify a departure from this maximum.
- (3) In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the interior of the block may be required by the Public Works Director. Such pedestrian ways shall have a minimum width of ten (10) feet.

B. Block Width:

- (1) Interior blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth.
- (2) Exceptions to the prescribed block width shall be permitted for exterior blocks, which border the plat boundary, or blocks adjacent to highways, major streets, railroads, or waterways.

C. Large Blocks. When a tract is platted for subdividing into lots, which are larger than normal building lots, or parcels, such lots and parcels shall be arranged so as to permit the continuous extension and openings of future streets, and appropriate re-subdivision, with provision for adequate utility connections and easements for such re-subdivisions.

D. Streets shall intersect as nearly as possible at right angles, and no streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point.

E. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines between of the intersecting streets shall be governed by the requirements set forth in Section 416.039 of this Chapter.

F. Local streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

SECTION 416.017 Street Width, Sidewalk, and Drainage Requirements

A. Street rights-of-ways are designed and developed to serve several functions:

- (1) To carry motor vehicle traffic, and in some cases, allow on-street parking.

- (2) To provide safe and convenient passageway for bicycle and pedestrian traffic.
 - (3) To serve as an important link in the City's drainage system.
- B. In order to fulfill these objectives, all public streets shall be constructed to meet the following design criteria in concurrence with the City's Infrastructure Development Regulations:
- (1) Arterial Street. The right-of-way shall be a minimum of 100 feet wide and the improved roadway surface shall be 52 feet wide (back-of-curb to back-of-curb). No parking shall be designed for either side of the street.
 - (2) Collector Street. The right-of-way shall be a minimum of 60 feet wide and the improved roadway surface shall be 36 feet wide (back-of-curb to back-of-curb). No parking shall be designed for either side of the street.
 - (3) Local Street. The right-of-way shall be a minimum of 50 feet wide and the improved roadway surface shall be 28 feet wide (back-of-curb to back-of-curb). Parking on either side of the street shall be regulated by the restrictions delineated in the City Municipal Code.
 - (4) Cul-de-sac. The right-of-way diameter shall be a minimum of 50 feet wide and the improved roadway surface radius shall be 40 feet wide (back-of-curb to back-of-curb). Parking on either side of the street shall be regulated by the restrictions delineated in the City Municipal Code.
- C. All streets shall be constructed with curb and gutter, and shall conform to the criteria set forth in the City's Infrastructure Development Regulations. Street pavement widths shall be measured from back-of-curb to back-of-curb.
- D. Sidewalks shall be constructed along one side of local and major streets. The sidewalks required by this Section shall be five (5) feet in width. The grass median between the back-of-curb and the sidewalk edge parallel to the back-of-curb will be a minimum width of 24 inches to allow for sufficient area for the placement of mailboxes and of street lighting.
- E. Upon approval of a conditional use permit by the Board of Aldermen, all new streets, curbs and gutters to be constructed within any new subdivision shall be completed in their entirety up to a point which projects past the furthest property line of the lot to be constructed thereon. No occupancy permit shall be issued for the occupancy of a dwelling within the subdivision until said street, curbs and gutters have been completed as aforementioned.
- F. In the event that climatic conditions would delay the completion of any new street, curbs or gutters, reasonable consideration shall be granted in accordance with the requirements set forth in Chapter 406 of this Regulation.

SECTION 416.019 Construction Standards

- A. The minimum acceptable street design criteria and plan submittal requirements are set forth in the City's Infrastructure Development Regulations.
- B. Detailed construction standards for streets, sidewalks, and curbs and gutters shall be based on the requirements contained in the St. Robert Infrastructure Development Regulations.

SECTION 416.021 Attention to Handicapped in Sidewalk and Street Construction

Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with the City's Infrastructure Development Regulations.

SECTION 416.023 Alleys

- A. Alleys shall not be approved in residential districts, except where justified by special conditions, such as the continuation of an existing alley in the same block.
- B. Where alleys are provided, shall have a right-of-way width of twenty-four (24) feet and the improved roadway shall be a minimum of twenty (20) feet.
- C. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turnaround facilities are provide at the closed end.

SECTION 416.025 Bridges

All bridges shall be constructed in accordance with the standards and specifications of the Missouri Department of Highways and Transportation.

SECTION 416.027 Utilities

Utilities and streetlights installed in public right-of-ways shall conform to the requirements of Chapter 418, Utilities.

SECTION 416.029 Storm Water Management

All developments shall provide a storm water drainage system, which is designed in conformance with the St. Robert Infrastructure Development Regulations.

SECTION 416.031 Maintenance of Public Right-of-way

The developer shall be responsible for maintaining all improvements required by this Regulation or any permit issued in accordance with its provisions, until such time as the offer of dedication to the public has been accepted by the Board of Aldermen. As illustrations, and without limiting the generality of the foregoing, this

means that streets and parking areas, water and sewer lines must be properly maintained so that they can be used in the manner intended.

SECTION 416.033 Non-residential Developments

The foregoing regulations regarding developments shall apply to all non-residential developments within the City of St. Robert.

SECTION 416.035 Bond Requirements

In accordance with the requirements delineated in Section 406.019 (Developer Responsibilities) and Section 406.021 (Performance Contracts and Performance Bonds), the developer shall provide the necessary surety, to be approved by the Board of Aldermen, conditioned to indemnify the City of St. Robert for any loss or damage resulting from the work undertaken or the manner of doing the same for the construction of domestic water lines, sanitary sewer lines, streets, curbs and gutters, sidewalks and street lights.

SECTION 416.037 Dedication of Right-of-way

- A. Approval of a subdivision plat does not constitute formal acceptance by the City of St. Robert the offer of dedication of any streets, sidewalks, sanitary sewers, storm sewers, other utility infrastructures, parks, or other public facilities shown on a plat.
- B. The aforementioned offer of dedication will only be considered for acceptance by the Board of Aldermen when the developer submits a formal written request petitioning for acceptance of the street right-of-way to the Director of Public Works after all dedicated areas have been constructed.
- C. An affidavit, from a registered engineer in the State of Missouri, must accompany the developers written request, which shall affirm that all public improvements have been constructed in accordance with the standards and specifications of the City, and that all new streets have in fact been constructed within the platted right-of-way of the development.
- D. The Public Works Director shall submit a copy of the developer's request and the engineer's affidavit to the Land Use Administrator for the purpose of scheduling the request with the Planning and Zoning Commission as is required by Chapter 89 of the Revised Statutes of Missouri. A written recommendation from the Director of Pubic Works shall accompany the documentation and shall summarize the acceptability of the plans, construction methods, testing and inspections results that are required by this Regulation.
- E. The recommendations of the Planning and Zoning Commission shall be forwarded to the Board of Aldermen for their final review and approval of the offer of dedication by the developer. The developer shall remain and held responsible for abatement of any and all defects of the dedicated areas for a period not to exceed twelve (12) months.

SECTION 416.039 Access Management Regulations

- A. In order to promote safe and reasonable access between public roadways and adjacent land; improve the convenience and ease of movement of travelers on public roads; and permit reasonable speeds and economy of travel while maintaining the capacity of the roadway, the location and design of access points shall be in accordance with the following access management regulations. These regulations shall apply to all existing, planned, or proposed roadways within the jurisdiction of the City of St. Robert. New or proposed street roadways within the city not identified on the adopted Roadway Plan of the Comprehensive Plan shall interconnect with the existing roadway network in a uniform and efficient manner.
- B. Access Classification of Streets: The Planning and Zoning Commission shall assign to each roadway, or portion thereof, within the planning jurisdiction of the City of St. Robert an access classification based on a consideration of existing and projected traffic volumes, adopted local transportation plans and needs, the existing and/or projected character of lands adjoining the roadway, adopted local land use plans and zoning, and the availability of reasonable access to those lands. These access classifications are defined as follows:
- (1) Arterial Streets: These roadways are capable of providing medium to high speeds and traffic volumes over medium to long distances. Direct access to abutting land is subordinate to providing service to through traffic.
- (a) Private direct access to a Arterial street shall be permitted only when the property in question has no other reasonable access to the public roadway network.
- (b) The design and location of allowable private access points must comply with all applicable sections of this regulation.
- (c) All private direct access points to Arterial streets shall be designated as “Temporary” and all requirements of Paragraph K (Temporary Access Points) of this regulation shall apply.
- (d) The following roadways are hereby designated as Arterial roadways:
- Missouri Avenue – from the connection to Route Y south to Ft. Leonard Wood.
 - Route Y – from the connection to Missouri Avenue north to the city limits.
 - Route Z – from Missouri Avenue intersection east to Highway 28.
 - Old Route 66 - from Missouri Avenue intersection west to the city limits.
- (2) Collector Streets: These streets are capable of providing moderate travel speeds and traffic volumes and generally provide the linkage between Arterial and Local streets. There is a reasonable balance between access and mobility needs within this classification.

- (a) Generally, only one private access point shall be provided to an individual parcel from a Local street unless it can be shown that additional access points would not be detrimental to the safety and operation of the roadway and are necessary for the approved use of the property.
 - (b) The design and location of allowable access points must comply with all applicable sections of this regulation.
 - (c) The following roadways are hereby designated as Collector streets:
 - Eastlawn Avenue – from Missouri Avenue intersection east to city limits.
 - St. Robert Boulevard – from Route Y intersection west to Old Route 66.
 - North Outer Road – from Route Y intersection east to Highway 28.
 - Ziegenbein Road – from Old Route 66 intersection north to city limits.
- (3) Local Streets: These streets allow for low to medium travel speeds and traffic volumes and are linked to the roadway network through intersections with Arterial or Collector streets and other Local streets. Access needs take priority over through traffic movement without compromising the public health, welfare, and safety.
- (a) The number of access points to a parcel is limited only to the requirements of Paragraph C (Minimum Corner Clearance) and Section D (Minimum Sight Distance) of this regulation.
 - (b) All roadways or portions thereof as shown on the Roadway Plan of the Comprehensive Plan, not previously designated as Arterial or Collector streets are hereby designated as Local streets.
- C. Minimum Spacing of Driveways: In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto Arterial and Collector streets must be separated by the minimum distance measured from near edge to near edge of adjacent driveways as shown in Table 1 according to the posted speed limit on the roadway. Additionally, the spacing of adjacent driveways should be as uniform as possible between major intersections. Distances between adjacent one-way driveways with the inbound drive upstream from the outbound drive can be one-half the distances shown on Table 1 providing that other requirements are satisfied.

Table 1

Minimum Spacing of Adjacent Driveways

Posted Speed Limit (mph)	Minimum Spacing (feet)
20 mph	85 feet
25 mph	105 feet
30 mph	125 feet

35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet

(Source: Adapted from Access Management for Streets and Highways, Report IP-82-3, Federal Highway Administration, Washington, D.C., June, 1982.)

- D. Minimum Corner Clearance of Driveways from Intersecting Streets: The location of driveways adjacent to intersecting streets shall conform to the minimum corner clearances provided in Table 2.

Table 2

Minimum Corner Clearances (feet) with Signalized Intersection Controls

Control Description	Arterial	Collector	Local
The minimum distance on departure lanes where no barrier median is present.	230 feet	175 feet	50 feet
The minimum distance on approach lanes where a barrier median is present.	115 feet	85 feet	50 feet
The minimum distance on approach lanes where no barrier median is present.	230 feet	175 feet	50 feet
The minimum distance on departure lanes where a barrier median is present.	230 feet	175 feet	50 feet
The minimum lateral distance between a driveway and a median opening.	75 feet	0	0

Minimum Corner Clearances (feet) with Stop Sign Intersection Controls

Control Description	Arterial	Collector	Local
The minimum distance on departure lanes where no barrier median is present.	115 feet	75 feet	50 feet
The minimum distance on approach lanes where a barrier median is present.	115 feet	85 feet	50 feet
The minimum distance on approach lanes where no barrier median is present.	85 feet	85 feet	50 feet
The minimum distance on departure lanes where a barrier median is present.	115 feet	75 feet	50 feet
The minimum lateral distance between a driveway and a median opening.	75 feet	0	0

- E. Minimum Sight Distances: All driveways and intersecting roadways shall be designed and located so that the minimum sight distances as shown in Table 3 are provided:

Table 3

Minimum Sight Distances for Driveways and Intersections (feet)

Operating Speed	20 mph		30 mph		40 mph		50 mph		60 mph	
	Left	Right								
Passenger Car ¹	210	170	320	360	540	590	900	970	1320	1400
Truck ¹	360	230	520	450	920	920	1510	1530	3080	3110

¹Minimum sight distance along through road and intersection or driveway to allow vehicle to safely turn left or right onto through road at “non-signalized” driveways and intersections

Minimum Sight Distances for Driveways and Intersections (feet)

Operating Speed	20 mph		30 mph		40 mph		50 mph			60 mph		
	No. Lanes on Through Road											
No. Lanes on Through Road	2	4	2	4	2	4	2	4	6	2	4	6
Passenger Car ²	240	260	360	390	470	520	590	620	700	710	780	840
Truck ²	370	390	550	580	740	770	920	960	1010	1100	1150	1210

²Minimum sight distance along through road to allow vehicle safely turn left into intersection or driveway from through road at locations where “no left turn signal” phase is provided.

- F. Provisions for Maintaining the Capacity of the Roadway: The Planning and Zoning Commission may require that upon completion of a development all traffic requiring access to and from the development shall operate in such a manner as to not adversely affect the capacity of the roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the capacity of any adjacent roadway.

- G. Number of Access Points: Each existing tract of land is entitled to one direct or indirect access point to the public roadway network provided that its location and design fulfill, as a minimum, the requirements of Paragraph D (Minimum Corner Clearance) and Paragraph E (Minimum Sight Distance) of this regulation. Where the roadway frontage of a tract of land is greater than 500 feet, an additional access point may be allowed if determined by the city engineer that the access point will not adversely affect the capacity of the roadway. Any additional access point must be in compliance with all applicable sections of this regulation.

- H. Coordination of Access Points: Major access points on opposite sides of the Arterial and Collector streets shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Planning and Zoning Commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Planning and Zoning Commission may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.

- I. Consolidation of Existing Access Points: Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing driveway entrance points shall become void and the new driveway entrances shall be based upon the owner/developer's plans to use some existing driveways and/or close or relocate other driveways. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation.

- J. Design of Access Points: The width, angle, grade, curb radii, and other design aspects of driveway access points shall be in accordance with the Infrastructure Development Regulations of the City of St. Robert.

- K. Temporary Access Points: Any access point that does not comply with one or more paragraphs of this regulation may be designated as "Temporary" upon approval by the Planning and Zoning Commission. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plot plan or site plan submitted for approval and also upon the deed of the property in question. When a property served by a temporary access point is provided an alternative means of access, such as a connection to a frontage road, an intersecting street, or a shared driveway, the Planning and Zoning Commission may require that the temporary access be eliminated, altered, or limited to certain turning movements.

- L. Spacing Restrictions for Signalized Access Points: Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one quarter mile apart and one-quarter mile from the nearest signalized intersection. The location and design of the signalized access points shall be determined by a traffic engineering study prepared by a qualified traffic engineer at the developer's expense. This study shall be subject to the approval of the Planning and Zoning Commission and shall account for at least the following variables:
 - (1) Traffic signal phasing as determined by analysis of projected turning movements;
 - (2) Traffic signal cycle length as determined by analysis of projected traffic volumes;
 - (3) Type of signal to be installed (actuated or pre-timed)
 - (4) Relationship to adjacent signals (existing or proposed) for purposes of signal interconnection and coordination;
 - (5) Roadway geometric and sight distance considerations; and
 - (6) Accident experience.

If the installation of a traffic signal is approved, the developer may be required to participate in the cost of design, purchase, installation, operation and maintenance of the signal equipment

- M. Provision of Exclusive Turning Lanes and Deceleration/Acceleration Lanes: At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway or create an

unacceptable accident risk, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration/ acceleration lanes as necessary to maintain the capacity of the roadway and minimize the potential accident risk.

- N. Provision of Frontage Roads: The Planning and Zoning Commission may require the use of frontage roads to provide access to property adjacent to Arterial streets or other Collector streets as necessitated by the plan of development. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction. As adjacent property develops landowner/developers shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a shared driveway may be required if the use of a frontage road is not feasible.
- O. Approval of Access Points Along Routes Maintained or Controlled by the State Highway Agency: A copy of the plans for all access points to be constructed along a state-maintained or controlled roadway shall also be submitted to the Missouri department of Transportation, District 9 for review and approval prior to plans being submitted to the Planning and Zoning Commission for consideration. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies.
- P. Waiver of Requirements: The Planning and Zoning Commission may, at its discretion, reasonably waive or modify the requirements of this regulation; if it is determined that such action is warranted given the nature of the individual project.
- Q. Private Roads:
- (1) Private roads may be permitted in accordance with the requirements of this paragraph and the following general standards shall apply:
 - (a) All city roads shall be constructed to infrastructure regulations and have an right-of-way of a minimum of sixty-six feet in width, except as otherwise provided in Paragraph Q (2).
 - (b) Private roads that by their existence invite the public in shall have all traffic control features, such as striping or markers, in conformance with the Manual of Uniform Traffic Control Devices.
 - (c) The minimum distance between private road outlets on a single side of a public road shall be 660 feet, or less where provided by access classification and standards for state roads and local streets.
 - (d) All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.

- (e) All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
 - (f) All private roads shall have a posted speed limit not to exceed twenty miles an hour.
 - (g) All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Chapter 419 of these regulations and the criteria set forth in the Infrastructure Development Regulations.
 - (h) A second access connection to a public road shall be required for private roads greater than 2000 feet in length.
- (2) Private roads in rural and semi-rural areas may be permitted reductions in right-of-way and roadway width and pavement standards to provide for adequate access while retaining the rural character of the landscape and design flexibility. At a minimum, the private road shall meet the city specifications for gravel roadway construction. Other standards shall apply in accordance with the following schedule:
- (a) A private road serving up to two lots shall have a minimum right-of-way easement of 30 feet and a roadbed of at least 12 feet.
 - (b) A private road intended to serve no more than three to six lots shall have a minimum right-of-way easement of 30 feet and a roadbed of at least 16 feet.
 - (c) A private road intended to serve no more than seven to twelve lots shall have a minimum right-of-way easement of 66 feet and a roadbed of at least 20 feet. Paving shall be required for all areas with grades of greater than three (3%) percent. Such pavement shall be a minimum of 18 feet in width.
 - (d) A private road intended to serve no more than 13 to 24 lots shall have a minimum right-of-way easement of 66 feet, a roadbed of at least 24 feet and shall be paved.
 - (e) A private road intended to serve 25 or more lots or parcels shall provide at least two access connections to a public road and shall meet the minimum design requirements for public roads.
- (3) Applications for subdivision approval that include private roads shall include a drainage plan and road construction plan, prepared by a registered engineer. The City Public Works Director shall review private road plans for conformance with these regulations.
- (4) Construction permits are required for connections to public roads. Applications for road construction shall be made concurrent with the creation of a lot that does not have frontage on a public road. A road construction permit shall be issued after approval of the private road plan and the entire length of the road shall be inspected during construction and upon completion. If found in

conformance, a final use permit shall be issued.

- (5) No building permit shall be issued for any lot served by a private road until the private road has been constructed and approved, so that all lots to be served by the private road have access to a public road.
- (6) A road maintenance agreement, prepared by the city attorney shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for:
 - (a) A method to initiate and finance a private road and maintain that road in good condition;
 - (b) A method of apportioning maintenance costs to current and future users;
 - (c) A provision that the city may inspect, and if necessary, require that repairs be made to the private road to ensure that safe access is maintained for emergency vehicles. If required repairs are not made within six months of date of notice, the city may make the necessary repairs and assess owners of parcels on the road for the cost of all improvements plus an administrative fee, not to exceed 25% of total costs;
 - (d) A provision that the majority vote of all property owners on the road shall determine how the road is maintained except in the case of emergency repairs as outlined above;
 - (e) A statement that no public funds shall be used to construct repair or maintain the road;
 - (f) A provision requiring mandatory upgrading of the roadway if additional parcels are added to reach the specified thresholds; and
 - (g) A provision that property owners along that road are prohibited from restricting or in any manner interfering with normal ingress and egress by any other owners or persons needing to access properties with frontage on that road.
- (7) No private road shall be incorporated into the public road system unless it is built to public road specifications of the city. The property owners shall be responsible for bringing the road into conformance.
- (8) All private roads shall have a sign and name meeting city standards and shall include the following notice: "Private Road" "Not maintained by the City of St. Robert".
- (9) An application fee will be established by the Director of Public Works to cover administrative, processing, and inspection costs.
- (10) All purchasers of property served by a private road shall, prior to final sale, be notified that the property receives access from a private road that shall be maintained collectively by all property owners along that road; that the city shall not be held responsible for maintaining or improving the

private road; and that a right-of way easement to provide the only access to that property has been recorded in the deed for that property.

- (11) The United States postal service and the local school district is not required to use the private road for access to the parcels abutting the private road and may require that service be provided only at the closest public access point.

R. Site Plan Review:

- (1) Applicants shall submit a preliminary site plan for review by the Public Works and Land Use Departments. At a minimum, the site plan shall show:
- (a) Location of access point(s) on both sides of the road where applicable;
 - (b) Distances to neighboring constructed access points, median openings, traffic signals, intersections and other transportation features on both sides of the property;
 - (c) Number and direction of lanes to be constructed on the driveway plus striping plans;
 - (d) All planned transportation features (such as auxiliary lanes, signals, etc.);
 - (e) Trip generation data or appropriate traffic studies;
 - (f) Parking and internal circulation plans;
 - (g) Plat map showing property lines, right-of-way, and ownership of abutting properties; and
 - (h) A detailed description of any requested variance and the reason the variance is requested.
- (2) Subdivision and site plan review shall address the following access considerations:
- (a) Is the road system designed to meet the projected traffic demand and does the road network consist of hierarchy of roads designed according to function?
 - (b) Does the road network follow the natural topography and preserve natural features of the site as much as possible?
 - (c) Have alignments been planned so that grading requirements are minimized?
 - (d) Is access properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access? Are entry roads clearly visible from the major arterials?

- (e) Do units front on residential access streets rather than major roadways?
 - (f) Is automobile movement within the site provided without having to use the peripheral road network?
 - (g) Does the road system provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection?
 - (h) Have the edges of the roadways been landscaped?
 - (i) If sidewalks are provided alongside the road, have they been set back sufficiently from the road, and has a landscaped planting strip between the road and the sidewalk been provided?
 - (j) Do the pedestrian path system link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities?
- (3) The City of St. Robert reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.
 - (4) After 30 days from filing the application, applicants must be notified by the City of St. Robert if any additional information is needed to complete the application.
 - (5) Upon review of the access application, the City of St. Robert may approve the access application, approve with conditions, or deny the application. This must be done within 90 days of receiving the complete application.
 - (6) Any application that involves access to the State Highway System shall be reviewed by the Missouri Department of Transportation, District 9 for conformance with state access management standards.
 - (7) If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected. Second applications may only be rejected if conditional changes are not made.
 - (8) If the access permit is denied, the city shall provide an itemized letter detailing why the application has been rejected.
 - (9) All applicants whose application is approved, or approved with conditions, have thirty days to accept the permit. Applicants whose permits are rejected or approved with conditions have 60 days to appeal.

S. Variance Standards:

- (1) The granting of the variation shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- (2) Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - (a) Indirect or restricted access cannot be obtained;
 - (b) No engineering or construction solutions can be applied to mitigate the condition; and
 - (c) No alternative access is available from a street with a lower functional classification than the primary roadway.
- (3) Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

CHAPTER 417 OFF-STREET PARKING

SECTION 417.001 Definitions

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- ❖ Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- ❖ Driveway. That portion of other vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- ❖ Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- ❖ Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Section 417.021.
- ❖ Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).
- ❖ Parking Area Aisles. That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- ❖ Parking Space. A portion of the vehicle accommodation area set for the parking of one vehicle.

SECTION 417.003 Number of Parking Spaces Required

- A. All developments in all zoning districts shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. Except as provided herein, developments shall comply with the minimum number of parking spaces as set forth in Subsection E, Table of Parking Requirements.
- B. The Planning and Zoning Commission and Board of Aldermen recognize that the Table of Parking Requirements set forth In Subsection E cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to determine the parking requirements using this table as a guide.
- C. If the permit issuing authority concludes, based upon information it received in the consideration of a specific development proposal, that the presumption established by Section 417.003, Subsection E for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of

Parking Requirements in accordance with the procedures set forth in Chapter 422.

D. Parking space requirements, which are delineated in the Table of Parking Requirements (Subsection E), are keyed to a specific land use category. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

E. Table of Parking Requirement

	<u>Residential Uses</u>
Residential Single-family Dwelling Units	2 spaces per dwelling unit
Residential Two-family Dwelling Units	2 spaces per dwelling unit
Residential Multi-family Dwelling Units	2 spaces per dwelling unit, plus 1 space per 8 dwelling units for visitor parking.
Residential Mobile Home Units	2 spaces per dwelling unit
Elderly and Handicapped Housing	1 space per unit
Nursing Home and Residential Care Facilities	1 space per bed, plus 1 space per employee
Hotels, Motels and Inns	1 space per room, plus 1 space per 500 square feet of floor area of common areas used for assembly
Bed and Breakfast Inns	2 spaces per dwelling unit

Public and Semi-Public Uses

Art Gallery, Museum, Education Research Center, Libraries	1 space per 400 gross square feet of floor area
Auditoriums or Assembly Halls	1 space per 4 seats
Assembly Conference Rooms	1 space per 100 square feet of floor area.
Churches, Temples, Mosques and Synagogues (excludes educational areas)	1 space per 4 seats in sanctuary or assembly areas
Elementary Schools	1 space per employee, plus 1 space per 15 students

Middle or Junior High Schools	1 space per employee, plus 1 space per 10 students
Senior High Schools	1 space per employee, plus 1 space per 4 students
Vocational, Trade or Business Schools	1 space per employee, plus 1 space per 4 students
College and Universities	1 space per employee, plus 1 space per 3 students
Nonresidential Day Care Facility	1 space per employee, plus 2 spaces per 10 children
Hospitals	1 space per employee, plus 1 space per 5 beds
Lodges or Private Clubs	1 space per 200 square feet of assembly area
Fire and Police Stations, and Ambulance Service	1 space per 200 square feet of floor area
Bus stations	1 space per 200 square feet of floor area
Municipal Buildings	1 space per 300 square feet of gross floor area, plus 1 space per employee
Post Office	1 space per 200 square feet of floor area

Commercial Office Uses

Banks, Savings and Loans, Credit Unions and other Financial Institutions	1 space per 200 square feet, plus 3 stacking spaces per drive-up window
Medical and Dental Clinic or Office	1 space per 200 square feet of floor area
Professional and Business Office	1 space per 300 square feet of floor area

Commercial Service Business Uses

Animal Hospital/Kennel	1 space per 300 square feet of floor area
Barber/Beauty Shop	2 spaces per station/chair
Dry Cleaning or Laundry	1 space per 300 square feet of floor area
Mortuary, Funeral Home	1 space per 5 seats, plus 1 space per employee

Commercial Retail Business Uses

Apparel & Accessory Stores, Clothing Stores, Shoe Stores	1 space per 200 square feet of floor area
Building Materials, Hardware and Garden Supplies	1 space per 250 square feet of floor area, plus 1 space per 1,000 square feet of outdoor sales area
Computer and Office Supply	1 space per 200 square feet of floor area
Convenience Store	1 space per 200 square feet of floor area, plus 2 spaces per gas pump, plus 1 space per employee
Department and Drug Store	1 space 200 square feet of floor area
Dry Goods and Fabric Stores	1 space 200 square feet of floor area
Sporting Goods Stores	1 space 200 square feet of floor area
Furniture and Appliance Stores	1 space 400 square feet of floor area
Restaurant, Fast Food Restaurant and Cafes'	1 space per 4 seats, plus 4 stacking spaces per drive-thru window, plus 1 space per employee
Bars, Nightclubs, Taverns, Dance Halls	1 space per 4 seats, plus 1 space per employee
Shopping Center and Retail Plazas	1 space per 200 square feet of floor area, plus 1 space per employee
Supermarket, Food/Beverage Stores	1 space 200 square feet of floor area

Commercial Recreational Uses

Bowling Alley	5 spaces per lane, plus 75% additional spaces for bars, restaurant, etc., plus 1 space per employee
Driving Range	1 space per tee box
Golf Course	4 spaces per hole
Miniature Golf	1 space per hole
Health Clubs and Fitness Centers	1 space per 200 square feet of floor area

Indoor Movie Theater	1 space per 4 seats
Indoor Recreation Facilities	1 space per 300 square feet of floor area
Parks and Playgrounds	1 space per 5,000 square feet of land area
Rifle, Pistol and Archery range	1 space per station
Skating Rinks	1 space per 200 square feet of floor area
Stadiums	1 space per 4 seats
Outdoor Swimming Pool	1 space per 150 square feet of water surface area
Indoor Swimming Pool	1 space per 200 square feet of water surface area
Tennis and Basketball Courts	4 spaces per court

Transportation Related Uses

Auto Service Stations	1 space 200 square feet, plus 1 space per fuel pump
Automobile Repair Shops and Paint Shops	4 spaces per service bay, plus 1 space per employee
Automobile, Boat, Truck, Mobile Home Sales and Service	1 space per 400 square feet of floor area, plus 1 space per 3,000 square feet of open lot display area
Car Wash	4 stacking and drying spaces per stall
Self-service Storage Facility	1 space per 20 rental units

Industrial and Warehouse Uses

Manufacturing Uses	2 spaces per three (3) employees
Cartage and Express Facilities	2 spaces per three (3) employees, plus one (1) for each vehicle kept on the premises
Terminal Facilities	2 spaces per three (3) employees, plus one (1) for each truck or semi- trailer kept on the premises
Warehouse facilities	1 space for each employee, plus one (1) for each vehicle kept on the premises

SECTION 417.005 Rules for Computing Parking Spaces

- A. In computing the number of required off-street parking spaces the following rules shall apply:
- (1) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - (2) Whenever a building or use constructed or established after the effective date of this Regulation is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 20 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
 - (3) Whenever a building or use existing prior to the effective date of this Regulation is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

SECTION 417.007 Required Parking Spaces for Handicapped Persons

- A. Three (3) percent of the required number of parking spaces on all lots hereinafter constructed shall be parking spaces designed and designated for disabled or handicapped persons, provided, however a minimum of one handicapped space shall be provided on all parking lots containing less than 50 spaces.
- B. Parking spaces for disabled or handicapped persons and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled or handicapped persons shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- C. Parking spaces designated for the disabled or handicapped shall be at least 96 inches wide and shall have an adjacent access aisle at least 60 inches wide. Parking access aisles shall be part of the accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.
- D. Accessible parking spaces shall be designated as reserved for the disabled or handicapped by a sign and/or pavement markings.

SECTION 417.009 Parking Space Dimensions

- A. Subject to Subsections B and C, each parking space not designated for handicapped persons shall contain a rectangular area at least 19 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

- B. In parking areas containing 10 or more parking spaces, up to 20 percent of the parking spaces need contain a rectangular area of only 7 1/2 feet in width by 15 feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- C. Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.

SECTION 417.011 Required Widths of Parking Area Aisles and Driveways

- A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

TRAFFIC CIRCULATION	PARALLEL PARKING	PARKING ANGLE (In degrees)			
		30 ⁰	45 ⁰	60 ⁰	90 ⁰
One-Way Traffic	13 feet	11 ft	13 ft	18 ft	24 ft
Two-Way Traffic	22 feet	20 ft	21 ft	23 ft	24 ft

- B. Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when;

The driveway is not longer than 50 feet,

It provides access to not more than 6 spaces, and

Sufficient turning space is provided so that vehicles need not back into a public street.

- C. Driveway or curb cuts along state and federal highways and arterial streets shall not exceed 35 feet in width, nor be allowed within 125 feet of any other curb cut, alley or street intersection, The 125 feet distance shall be determined by projecting the nearest curb line or opening to the highway or arterial street right-of-way.

SECTION 417.013 General Design Requirements

- A. Every vehicle accommodation area shall be located at least 5 feet inside the property line so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall vegetation, or other obstruction. Vehicle accommodation areas shall not encroach upon any utility easement.
- B. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is prohibited.

- C. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- E. Parking spaces required for residential buildings shall be located on the same lot with the building or use served, and in a designated driveway or approach. No licensed or unlicensed vehicle or trailer shall be parked or stored on a residential property unless it is in a designated driveway or approach to the building.

SECTION 417.015 Vehicle Accommodation Area Surfaces

- A. Vehicle accommodation areas that (i) include lanes for drive-in windows or (ii) contain parking areas that are required to have more than 10 parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust.
- B. Vehicle accommodation areas that are not provided with the type of surface specified in Subsection A shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in Subsection A for a distance of 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.
- C. Parking spaces in areas surfaced in accordance with Subsection A shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection B shall be demarcated whenever practicable.
- D. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

SECTION 417.017 Joint Use of Required Parking Spaces

- A. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- B. To the extent that separate uses wish to make joint use of the same parking spaces operated at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection

with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another use that operates only on weekends could be credited with 90 percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50 percent capacity on days other than Sunday, another use could make use of 50 percent of the church lot's spaces on those other days.

- C. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 417.019 (Satellite Parking) are also applicable.

SECTION 417.019 Satellite Parking

If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots located within 100 feet of a public entrance of the principal building or use associated with such parking.

SECTION 417.021 Loading and Unloading Areas

- A. Whenever the normal operation of any nonresidential use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that location, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. Such loading space shall include a 12-foot by 55-foot area for loading and unloading operations and shall have a minimum overhead clearance of 14 feet from street grade. The number of spaces shall be provided as follows:

Gross Leasable Area of Building (sqft)	Number of Spaces
1,000 sqft to 20,000 sqft	1 space
Over 20,000 sqft to 80,000 sqft	2 spaces
Over 80,000 sqft to 120,000 sqft	3 spaces
¹ Over 120,000 sqft to 200,000 sqft	¹ 4 spaces

¹Plus one (1) space for each additional 50,000 square feet over 200,000 sqft or fraction thereof.

- C. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

SECTION 417.023 Plans and Approval Required

Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the permit issuing authority prior to issuance of any building permit, zoning permit, or conditional use permit.

CHAPTER 418 UTILITIES

SECTION 418.001 Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership, or easement rights to enable the utility or entity to operate and maintain such facilities.

SECTION 418.003 Lots served by Governmentally Owned Water or Sewer Lines

- A. Whenever it is legally possible and practicable in terms of topography to connect a lot with a City water or sewer line by running a connecting line not more than 100 feet from the lot boundary line to such water or sewer line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to line.
- B. Connection to the public water or sewer line is not legally possible if such line is more than 100 feet from the property line, or if in order to make connection with such line, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and after diligent effort, the easement necessary to run the connecting line cannot be reasonably obtained.
- C. For purposes of this article, a lot is “served” by a city-owned water or sewer line if connection is required by this section. The width of permanent utility easement shall be a minimum of 20 feet. No building or substantial structure may be located any closer than ten (10’) feet from the nearest edge of the easement line

SECTION 418.005 Sewage Disposal Facilities Required

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is designed in accordance with the City’s Infrastructure Development Regulations, and adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

SECTION 418.009 Water Supply System Required

Every Principal use and every lot within a subdivision shall be served by a water supply system that is designed in accordance with the City’s Infrastructure Development Regulations, and adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

SECTION 418.013 Lighting Requirements

- A. Subject to Subsection B, all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Regulation shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common

areas of facilities.

- B. The regulatory criteria outlined in the Infrastructure Development Regulations shall govern the construction of all streetlights within the City of St. Robert.
- C. All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multifamily residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

SECTION 418.015 Excessive Illumination

Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with traffic as a result of location, direction, intensity, or other lighting characteristics, is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 418.013 or if the standard set forth in Section 418.013 could reasonably be achieved in a manner that would not substantially interfere with reasonably be achieved in a manner that would not substantially interfere with the smooth flow of traffic, or the use of enjoyment of neighboring properties.

SECTION 418.017 Electric Power

- A. Every principle use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:
 - (1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
 - (2) If the use is a subdivision or is not located on a lot served by an existing power line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the subdivision.

SECTION 418.019 Telephone Service

- A. Every principle use and every lot within a subdivision must have available to it a telephone service, adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:
 - (1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.

- (2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use and every lot within the subdivision.

SECTION 418.021 Underground Utilities

- A. Utilities which are to be installed underground shall comply with the design criteria for such utilities as set forth in the requisite codes and specifications of the City.
- B. All easements shall be dedicated to the public and shall be a minimum of twenty (20') feet in width. No building or substantial structure may be located any closer than ten (10') feet from the nearest edge of the easement line.

SECTION 418.023 Utilities To Be Consistent With Internal and External Development

- A. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
- B. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.
- C. Any platted land which has been duly recorded, and then subdivided into separate lots and replatted, shall have utilities made easily accessible to each lot so as not to cause any lot for sale to be isolated from necessary utilities for future development. The owner or developer shall be responsible for all necessary utility requirements.
- D. All residential and nonresidential buildings or structures to be used for occupancy shall be connected and serviced by one (1) meter. Multiple occupancies shall not be connected to one single meter. Meter locations shall conform to the requirements set forth by the Department of Public Works.
- E. The developer is responsible for all work to be performed in accordance with all other adopted codes and regulations of the City.

SECTION 418.025 Plans Required

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall comply with the plan submittal requirements of the Infrastructure Development Regulations prior to any utility main being constructed or extended.

SECTION 418.027 Fire Hydrants

- A. Every development shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- B. The presumption established by this Regulation is that to satisfy the standard set forth in Subsection A:
 - (1) Fire hydrants in residential areas shall not exceed 600 feet between hydrants;
 - (2) Fire hydrants in non-residential areas shall not exceed 300 feet between hydrants.
- C. The Director of Public Works shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.
- D. The Director of Public Works shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Director of Public Works, all hydrants shall have two 2-½ inch hose connections and one 4-½ inch hose connection. The 2-½ inch hose connections shall be located at least 21 ½ inches from the ground level. All hydrant threads shall be national standard threads.
- E. Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

CHAPTER 419 LAND DISTURBANCE AND STORMWATER MANAGEMENT

SECTION 419.001: Purpose

A. The purpose of this chapter is to:

- (1) Protect the health, safety and property of the people of St. Robert by regulating the disturbance of land surface areas by preventing erosion on disturbed areas and controlling storm water drainage.
- (2) Assure that consideration is given to the preservation and restoration of natural features in the grading or development of public and private land.
- (3) Prevent the pollution of streams and lakes by sediment through assurances that proper provisions are made regarding control of sediments resulting from rainfall on graded areas, and that adequate facilities are constructed for the management of storm water.
- (4) Assure the movement of emergency vehicles during storm periods.
- (5) Protect the public from rapidly flowing water and flash floods.
- (6) Minimize storm and flood losses resulting from uncontrolled runoff.
- (7) Establish requirements for construction of storm water management facilities in newly developed areas.
- (8) Establish requirements for sediment and erosion control measures to be constructed to abate inadequate or nonexistent best management practices.

B. Scope of Authority.

Except as exempted by Section 419.007, any person, firm, corporation or business proposing to develop land within the City of St. Robert shall apply to the Land Use Administrator for approval and issuance of a land disturbance permit as specified in this chapter. No land shall be developed except upon the issuance of such permit.

C. Disclaimer of Liability

The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented utilizing best management practices. Use of the requirements contained herein shall not constitute a representation, guarantee, or warranty of any kind by the City, or its officers and employees, or the adequacy or safety of any structure or use of land. Nor shall the approval of plans and issuance of permit imply that land uses permitted will be free from damages caused by storm water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or storm water runoff heights may be increased by man-

made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.

D. Conflict with Public and Private Provisions.

- (1) **Public Provisions.** This chapter is not intended to interfere with, abrogate or annul any existing law, ordinance, rule or regulation of the City. Where any provision of this chapter imposes restrictions different from those imposed by other regulations, the provisions, which are more restrictive or impose higher standards shall control.
- (2) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, and such private provisions are inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

E. Severability.

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to that part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application hereof to other persons or circumstances. The governing body hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application found to be unlawful or invalid.

SECTION 419.003: Definitions

- ❖ **Agriculture.** All farm enterprises, such as cropland forage production, animal husbandry, dairy and poultry, silviculture, floriculture and viticulture.
- ❖ **Board of Adjustment.** The body, which has been, delegated authority by the City of St. Robert to hear appeals and review decisions made by the Land Use Administrator.
- ❖ **City Engineer.** The City Engineer or his/her designates.
- ❖ **Clean fill.** Uncontaminated soil, rock, sand, gravel, concrete, asphalt concrete, cinder-blocks, brick, minimal amounts of wood and metal, and inert soils which are approved by rule or policy of the State Department of Natural Resources for fill, reclamation or other beneficial use.

- ❖ Conditional Use Permit. A permit that has been granted by the Board of Aldermen for those conditional uses, as delineated in Chapter 404, which are allowed in a given zoning district.
- ❖ Critical downstream location. A location within the drainage reach downstream of the subject site, consisting of a channel section, drainage swale, bridge, box culvert, storm sewer, or other conveyance facility or structure having a conveyance capacity which would be exceeded by storm water runoff from a 10-year frequency, 24-hour duration storm under existing land use conditions; or an existing structure or building located downstream of the subject site which has its lowest floor elevation less than one (1) foot above the maximum elevation in an adjacent channel attained by the 100-year frequency, 24-hour duration storm, assuming existing land use conditions with the proposed ultimate development of the subject site in place. The conveyance capacity of a structure operating under inlet control conditions shall be determined with a maximum headwater to diameter ration (HW/D) of 1.50 or with a headwater elevation equal to the top of curb, whichever is less.
- ❖ Design year storm. The selected or established frequency or return period of rainfall time-duration for which drainage facilities are to be designed.
- ❖ Developed land. Real estate altered by the addition of impervious surface, which changes the hydrology of the property from its natural state.
- ❖ Developer. A person, partnership or corporation engaged in the development of land and not excluded by the exemption section of this ordinance.
- ❖ Development. The process of grading, clearing, filling, quarrying, construction or similar activities when not excluded by the exemption section of this chapter.
- ❖ Drainage basin (or watershed). The catchment area from which storm water is carried off by a watercourse or storm drainage system. The area served by a drainage system receiving storm and other surface-borne water. Drainage basin boundaries are a product of natural topography and drainage system configuration.
- ❖ Drainage facility. A manmade structure or natural watercourse for the conveyance of storm runoff. Examples are channels, pipes, ditches, swales, catch basins, and street gutters.
- ❖ Dwelling unit. A building or portion thereof, designed to house a family.
- ❖ Erosion. The wearing away of land by action of wind, water or gravity.
- ❖ Final Plan. The plan submitted by the developer, which incorporates the designs and management controls of the Stormwater Pollution Prevention Plan. Such plan need only cover the tract of land for which land disturbance activities will occur.
- ❖ Grubbing. Grubbing means removing, clearing or scalping material such as roots, stumps, underbrush or sod.

- ❖ Impervious surface. A surface on real property where infiltration of storm water into the earth has been virtually eliminated by the works of man. Impervious surfaces shall include, but not be limited to: roofs, paved driveways, patio areas, sidewalks, parking lots, storage areas, and other oil or macadam surfaced areas which prevent percolation on storm waters into the earth's surface.
- ❖ Land disturbance. Any activity, including mechanized clearing, which removes the vegetative ground cover.
- ❖ Land disturbance permit. A permit issued by the City of St. Robert that authorizes the commencement of land disturbance activities upon approval of a zoning or conditional use permit.
- ❖ Mulching. The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.
- ❖ Multiple-family building. A building with more than one dwelling unit.
- ❖ Natural Watercourse. A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.
- ❖ Non-residential use. The use of developed land for any purposes other than for a single-family residence or a multiple-family building.
- ❖ Nuisance. Any act or activity that is kept, maintained, caused or permitted to be caused by any person, firm or corporation on any lot, parcel or tract of land within the City of St. Robert that poses a potential hazard to the health, safety or welfare to people or property.
- ❖ Occupant. The person in possession or lawfully entitled to possession of a parcel of land.
- ❖ Other Municipal Ordinances. Ordinances or regulations such as, but not limited to zoning, subdivision, and landscaping.
- ❖ Owner. Any person having legal title to, or a proprietary interest in real property. Proprietary interest shall include but not be limited to, estate administration, trusteeship, guardianship, and actions under a valid power of attorney.
- ❖ Peak runoff. The maximum rate at which storm water travels across the surface of the land.
- ❖ Sediment. Rock, sand, gravel, silt or other material deposited by action of wind, water or gravity.
- ❖ Sediment and Erosion Control Plan. A plan required before a permit may be issued. The plan may be included as part of a preliminary plan required under any other City ordinance or a separate plan following the specifications set out in this chapter.
- ❖ Sediment Basin. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt or other material deposited by action of wind, water or gravity.

- ❖ Silt Traps or Filters. Staked bales or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water run-off.
- ❖ Site Development Plan. A plan composed of two parts, a sediment and erosion control plan and a storm water management plan, for a lot or parcel of land where grading work is performed as a single unified operation.
- ❖ Site. A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.
- ❖ Storm drain. A closed conduit or open ditch, natural or specifically constructed, for conducting or conveying collected storm water. Conduits and paved open ditches are termed “improved”; unpaved ditches are termed “unimproved.”
- ❖ Storm drainage system. All drainage facilities used for collecting and conducting storm water to, through and from drainage areas to the points of final outlet including, but not limited to, the following: conduits and appurtenant features, canals, ditches, streams, gullies, flumes, culverts, streets, gutters, and pump stations.
- ❖ Stormwater Management Guidelines. Guidelines, delineating minimum acceptable design criteria, intended primarily for use by land developers and/or engineers in the design of storm drainage systems and sediment and erosion control practices.
- ❖ Stormwater Management Plan. A plan required before a Land Disturbance Permit may be issued. The plan may be included as part of a plan required under any other City ordinance or a separate plan following the specifications set out in this chapter.
- ❖ Swale. A wide shallow ditch used to carry storm runoff.
- ❖ Total floor area. Includes the floor area within the perimeter of the outside walls of a building, including the basement floor area, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features. “Total floor area” also includes the entire floor area of carports, decks and other structures which do not have outside walls and which cannot be lawfully constructed without a building permit.
- ❖ Unimproved land. Land or property having little or no “impervious surface.”
- ❖ Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
- ❖ Zoning Permit. A permit that has been granted by the City of St. Robert for those permitted uses, as delineated in Chapter 404, which are allowed in a given zoning district.

SECTION 419.005: Applicability

Land disturbance activities which are to be performed on an area greater than 1 acre, will require the issuance of a General Operating Permit from the Department of Natural Resources effective April 1, 2003. Submission of a Sediment and Erosion Control Plan (SECP) must be submitted as part of the land disturbance permit application. A Stormwater Pollution Prevention Plan (SPPP) shall be submitted in addition to the Sediment and Erosion Control Plan requirements if the land disturbance activities are performed on more than 3 acres.

SECTION 419.007: Exemptions

- A. Except as provided for elsewhere in this Regulation, the provisions of this chapter shall not apply to the following types of developments:
 - (1) Residential subdivisions involving one and two family dwellings in pre-existing developments except when it has been determined that an excessive sedimentation or storm water runoff hazard exists.
 - (2) Routine maintenance of vegetation and removal of dead or diseased limbs, and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines, or to remedy a potential fire or health hazard or threat to public safety.
 - (3) Construction and maintenance of public streets and utilities, performed by the City of St. Robert, within City approved right-of-ways and easements.

SECTION 419.009: Permit Requirements

- A. General. A land disturbance permit is required for any land disturbance activity, to include street and utility construction, except as exempted by Section 419.005. All applications for land disturbance permits shall be submitted on forms issued by the City of St. Robert and shall contain all the necessary information required by the application. For a permit to be issued that involves land disturbance activities, the following procedures shall be followed:
 - (1) Submission of Plans. The following plans shall be provided with each permit application that has been applied for:
 - (a) A Sediment & Erosion Control Plan (SECP) shall be submitted for any land disturbance activities conducted on any area that is greater than 1 acre.
 - (b) A Stormwater Pollution Prevention Plan (SPPP) shall be submitted in conjunction with a Sediment & Erosion Control Plan (SECP) for any land disturbance activities, which will disturb in excess of three (3) acres.
 - (c) For land disturbance activities conducted on any area that is greater than one (1) acre, copies of all plans and General Operating Permits that are required by the Missouri Department of Natural Resources shall be submitted with the application.

- (2) The Department of Natural Resources publication #000488, *“Protecting Water Quality, a field guide to erosion, sediment and stormwater best management practices for development sites in Missouri”* is encouraged for use as the source document for the development of all plans.
- (3) Review of Plans. Upon receipt of such plans the Land Use Administrator shall refer such plans to other departments for pertinent review, if any. After allowing for review and comment the Land Use Administrator shall process the permit application for final approval. If upon review of the application the submitted plans are found to be incomplete, the application shall be returned to the applicant who shall incorporate all recommendations and alterations as necessary to make the plans comply with the requirements of this chapter.
- (4) Issuance of Permit. Upon completion of the application and plan review, a land disturbance permit shall be issued to the applicant if the requirements of this chapter have been met. Any revisions to the approved plans for which the permit was issued will be submitted to the City for review and approval before any further land disturbance activities are performed.
- (5) Permit Revocation. An approved permit may be revoked by the Land Use Administrator if, upon periodic inspection, it is determined that the work is not in compliance with the requirements of this chapter or have been found to not be in accordance with the specifications of the approved plan for which the permit was issued.
- (6) Occupancy Permit. Upon completion of a development in which land disturbance activities were an integral part of a authorized zoning or conditional use permit, a final inspection shall be scheduled with the City Building Department. If upon final inspection it is determined that the development complies with all issued permits, a certificate of occupancy permit shall be issued. If it is determined that the development has not complied with the approved plans for which an issued permit has be authorized, a certificate of occupancy shall not be issued until the requirements of all approved plans and permits have been met and all corrective notices have been brought into compliance.

B. Permits and Fees.

A separate application shall be required for each development. Each application for permit shall contain the information required by Sections 419.005 and 419.007 of this Chapter and shall be submitted to the Land Use Administrator. There are no administrative fees required for the issuance of a land disturbance permit.

C. Conformance with permits and plans.

All land disturbance activities, which are performed on property for which a permit has been issued, shall conform to the requirements of the permit and to the provisions of the approved plan.

SECTION 419.011: Sediment & Erosion Control Plan (SECP) Requirements

D. Plan Required.

- (1) A sediment and erosion control plan (SECP) shall accompany all permit applications in accordance with Section 419.005 of this chapter. The purpose of the plan is to clearly establish what measures will be taken to prevent erosion and off-site sedimentation during and after land disturbance activities. The SECP may be prepared in accordance with the Department of Natural Resources publication #000488, *“Protecting Water Quality, a field guide to erosion, sediment and stormwater best management practices for development sites in Missouri”*.
- (2) No certificate of occupancy shall be issued for any property subject to the provision of this section until all surfaces are stable and non-erosive. A temporary certificate of occupancy may be issued if seasonal limitations prevent the establishment of vegetative cover for soil stabilization purposes, provided that such measures are established immediately during the next seasonal period to ensure adequate erosion control is effectively in place. At which time a certificate of occupancy will then be issued upon inspection of said stabilized areas.

E. General Requirements.

- (1) Erosion and sediment control measures must be designed to provide protection from the runoff from a 10-year return frequency, 24-hour duration storm.
- (2) Sediment control practices shall be functional throughout earth disturbing activities. They shall continue to function until vegetative cover is established at a sufficient density to provide erosion control on the site.
- (3) Topsoil is to be stripped and stockpiled in amounts necessary to complete finish grading of all exposed areas requiring topsoil for the establishment of vegetation.
- (4) Natural vegetation shall be retained wherever possible. Where natural vegetation is removed during grading, vegetation shall be re-established in such a density as to prevent erosion.
- (5) Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after grading
- (6) The ground adjoining development sites shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Run-off water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems. Sufficiently anchored straw bales may be temporarily substituted with the approval of the City.
- (7) Development along natural watercourses shall have residential lot lines, commercial or industrial improvements, parking areas or driveways set back a minimum of 25 feet from the top of the existing stream bank. The watercourse shall be maintained and made the responsibility of the subdivision trustees or the property owner. Permanent vegetation shall be left intact. The

guidelines set forth in Chapter 427 shall be followed where applicable regarding site developments, which are located within areas designated as flood plains.

- (8) All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. The person or entity responsible for the continued maintenance of permanent erosion controls shall be identified in the permit application.

F. Required Elements.

- (1) Erosion and sediment control plans submitted to the City shall include a description and location of all installed best management practices for the disturbed site, and will include the following additional data:
 - (a) Full name and address of property owner.
 - (b) Designation of property address and a location map.
 - (c) Portion of the property that is to be excavated, graded or filled with excavated material.
 - (d) Existing grade and topography of the premises and the proposed finished grade and final contour elevation at a contour interval of not more than (2) feet on United States Geological Survey datum. On land with excessive slopes the Land Use Administrator may grant permission for contour intervals of not more than five (5) feet.
 - (e) Location and present status of any previous land disturbances permitted on the property.
 - (f) Details of any temporary drainage systems proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams or other natural drains following heavy rains during grading operations.
 - (g) Details of proposed water impoundment structures, embankments, sediment or debris basins, grass or lined waterways and diversions with the details and locations of proposed stable outlets and the location of any down stream impoundments which could be affected by the proposed grading on site.
 - (h) Details of soil preparation and revegetation of the finished grade and of other methods of soil erosion control.
 - (i) Proposed truck and equipment access ways to the work site.
 - (j) A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. This statement shall also contain assurance that all City property or roads will be adequately protected.

- (2) The proposed phasing of development of the site, including clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and establishment of temporary and permanent vegetative cover. The Land Use Administrator may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations. A registered engineer licensed to practice in the State of Missouri must prepare all plans. All appropriate seals must be present on the plans.

D. Nuisance and Abatement Procedure.

- (1) Failure to adequately establish and maintain sediment and erosion control measures is hereby declared a nuisance. Non-existent sediment and erosion control measures, which create a hazard to the public health and welfare of the community, and pose a potential hazard to unprotected adjoining properties from sediment runoff and erosion shall be considered a nuisance.
- (2) Whenever the Land Use Administrator determines that sediment and erosion control measures are inadequately maintained or non-existent, he shall give notice to the property owner or owners of his determination and order the nuisance abated. The abatement order shall state the number of days within which the nuisance must be abated. The Land Use Administrator shall also give notice of the right of the property owner or owners to appeal the abatement order.
- (3) The notice required in Subsection (2) (above) shall be in writing and shall either be personally served or mailed by certified or registered mail, return receipt requested. When service cannot be had by either of the above two methods, then service may be made by publication. Notice by publication shall be made by inserting the required notice in a newspaper of general circulation published in the county at least once each week for a period of two weeks. Notice shall be considered given when the owner is personally served, the mail is delivered, or the last required newspaper notice is published.
- (4) A property owner may appeal the Land Use Administrator's abatement order by filing a written demand for a hearing with the St. Robert Board of Adjustment. The Land Use Administrator must receive a demand for a hearing within ten (10) days after the notice required in subsection [2] was given.
- (5) After receiving a timely written demand for a hearing, the Land Use Administrator shall schedule the appeal to be heard before an open public hearing. The hearing shall be conducted in accordance with the provisions of Chapter 409 of the St. Robert Land Development Regulations. The Board of Adjustment may affirm, modify or reverse the abatement order.
- (6) If the owner or owners fail to comply with the order of abatement, the Land Use Administrator may cause the nuisance to be abated and shall certify the cost of such abatement to the Board of

Alderman. The Board of Alderman may, by ordinance, levy the cost thereof as a special tax bill against the property. The tax bill shall be collected in the same manner as other special tax bills and shall be a lien on the property until paid.

SECTION 419.013: Stormwater Pollution Prevention Plan (SPPP) Requirements

A. Plan Required.

- (1) A Stormwater Pollution Prevention Plan (SPPP) prepared and certified by a registered civil engineer, licensed in the State of Missouri, shall accompany all permit applications in accordance with Section 419.005 of this chapter. The SPPP shall be prepared in conjunction with the sediment and erosion control plan (SECP).
- (2) No storm drainage facility shall be constructed, altered or reconstructed without first obtaining approval of the plans by the Director of Public Works. No permit shall be issued unless the Director of Public Works is satisfied that the proposed storm drainage facilities meet the requirements of this chapter or any other ordinance or regulation of the City of St. Robert. Approval of permits that include the construction of storm drainage facilities shall constitute issuance of permits to construct those facilities in accordance with the approved Stormwater Pollution Prevention Plan (SPPP).
- (3) No certificate of occupancy or use permit shall be issued for any property subject to the provision of this section until construction of the required storm drainage facilities is completed in accordance with the approved storm water management plan.

B. General Requirements.

- (1) The Stormwater Pollution Prevention Plan (SPPP) must provide for the collection and conveyance of surface water through and from the area encompassed by the permit in such a manner as to avoid increasing the potential for damage to properties downstream from the site.
- (2) The general criteria for the Stormwater Pollution Prevention Plan (SPPP) shall be that all conduits and channels be designed to accommodate the peak flow from the design storm specified in the guidelines delineated in the City's Infrastructure Development Regulations. All detention facilities shall contain the runoff from a 25-year return frequency, 24-hour duration storm. Such facilities shall be designed to release the retained surface water runoff such that the peak rate of runoff from the tract after development shall not exceed the peak rate of runoff from the tract prior to development for a 2, 10, and 25 year return frequency, 24-hour duration storm. The site and all facilities shall be developed to be protected from the runoff of a 25-year return frequency, 24-hour duration storm.
- (3) Stormwater shall generally be carried in enclosed storm conduits or open channels or detained in impoundment areas on the basis of criteria established in this section, subject to approval of the City. The requirements outlined in these standards are only minimum requirements.

- (4) Open channels shall be located in drainage easements designed to provide a 100 year floodplain and shall be designed and constructed in such a manner as to provide easy maintenance of the channel and side slopes and to prevent erosion from the design flows. If the channel extends between buildings, consideration must be given to adequate protective measures, such as paving the channel invert and side slopes, bank protection or fencing. Open channels in residential areas shall generally be located along the rear or side lot lines.
- (5) Where culverts are placed under roadways, they shall extend to at least the limits of right-of-way or the tow of the roadway embankment, whichever is greater, and proper hydraulic structures shall be provided for dissipation of velocity to prevent erosion. Embankments shall be protected to prevent erosion against a 100-year storm.
- (6) Pipe drains or culverts constructed to intercept the flow of ditches or channels, which may be enclosed in a conduit at a future time, shall be installed at adequate depth to permit their extension at the same required depth.
- (7) Curb inlets shall be installed at or near intersections where they are deemed necessary for the safety of pedestrian and vehicular traffic. Curb inlets shall be placed to intercept the storm water before it reaches the crosswalks. No curb inlet shall be located within a crosswalk.
- (8) All detention facilities shall include an emergency or overflow spillway that will pass excess flows greater than those of the 25-year frequency and overflows resulting from obstructions of the principal outlets. The emergency spillway shall be designed to safely pass the flow resulting from a 100-year frequency, 24-hour duration storm.

C. Detention Requirements.

- (1) Stormwater detention facilities that are constructed in the City must be constructed in accordance with the criteria of this Chapter and the guidelines delineated in the City's Infrastructure Development Regulations.
- (2) A stormwater detention facility shall be located only on the lot or tract it is intended to serve unless otherwise approved by the City as provided in this section.

D. Required Elements. A Stormwater Pollution Prevention Plan (SPPP) shall include, at a minimum, the following information:

- (1) All topographical information required for a sediment and erosion control plan, including existing contours at five (5) foot intervals and final contours at two (2) foot intervals. On land with excessive slopes the Land Use Administrator may grant permission to show final contours at five (5) foot intervals.
- (2) Plans and profiles of each storm drain, showing location, size, design flow, flow-line elevations, gradients, and materials; boring information and rock elevations along the proposed storm drain

anywhere applicable; location, depths and sizes of adjacent or crossing sewer lines and utilities; and special construction requirements such as concrete cradle or encasement, backfill, size and class of pipe. All elevations shall be based upon City datum or USGS datum with location noted of benchmarks used.

- (3) Typical cross-sections of swales, ditches or channels.
- (4) Details of special structures, culverts, transitions, headwalls, aprons and junction chambers, all adequately detailed and dimensioned including placement of steel. Unless otherwise indicated, standard City structures are assumed where applicable.
- (5) For design of detention facilities, calculations of peak runoff from 2, 10, 25 and 100-year frequency, 24-hour duration storms shall be used. Calculations shall be provided for all areas that are tributary to the subject under existing conditions and conditions after the planned development of the site. The information shall include the acreage of all areas contributing flow to the site and the present land use by acreage of those areas.
- (6) Basic design criteria including frequency of rainfall, percentage of imperviousness, runoff for drainage area, time of concentration, loadings, and any other pertinent design criteria.
- (7) Locations of all building areas and minimum floor elevations for buildings to be constructed on the site.
- (8) A schedule estimating the dates of completion of construction for all storm drainage facilities shown on the plan.

E. Maintenance of storm drainage facilities.

The owner of the land on which they are located shall maintain storm drainage facilities that have not been dedicated to and accepted by the City. The owners of the lots or tracts served shall maintain storm water detention facilities that serve more than one lot or tract.

F. Nuisance and Abatement Procedure.

- (1) Failure to adequately maintain a storm drainage facility is hereby declared a nuisance.
- (2) Whenever the Land Use Administrator determines that a storm drainage facility is inadequately maintained, he/she shall give notice to the property owner or owners of his/her determination and order the nuisance abated. The abatement order shall state the number of days within which the nuisance must be abated. The Land Use Administrator shall also give notice of the right of the property owner or owners to appeal the abatement order.
- (3) The notice required in subsection [2] (above) shall be in writing and shall either be personally served or mailed by certified or registered mail, return receipt requested. When service cannot be

had by either of the above two methods, then service may be made by publication. Notice by publication shall be made by inserting the required notice in a newspaper of general circulation published in the county at least once each week for a period of two weeks. Notice shall be considered given when the owner is personally served, the mail is delivered, or the last required newspaper notice is published.

- (4) A property owner may appeal the Land Use Administrator's abatement order by filing a written demand for a hearing with the St. Robert Board of Adjustment. The Land Use Administrator must receive a demand for a hearing within ten (10) days after the notice required in subsection [2] was given.
- (5) After receiving a timely written demand for a hearing, the Land Use Administrator shall schedule the appeal to be heard before an open public hearing. The hearing shall be conducted in accordance with the provisions of Chapter 409 of the St. Robert Land Development Regulations. The Board of Adjustment may affirm, modify or reverse the abatement order.
- (6) If the owner or owners fail to comply with the order of abatement, the Land Use Administrator may cause the nuisance to be abated and shall certify the cost of such abatement to the Board of Alderman. The Board of Alderman may, by ordinance, levy the cost thereof as a special tax bill against the property. The tax bill shall be collected in the same manner as other special tax bills and shall be a lien on the property until paid.

SECTION 419.015: Administration and Enforcement

- A. It shall be the duty of the City Land Use Administrator to administer and enforce these regulations, and to bring to the attention of the Prosecuting Attorney any violations or lack of compliance herewith.
 - (1) The Land Use Administrator shall perform periodic inspection of the development site. In applying for a permit necessitating land disturbance activities, the developer shall be deemed to have consented to such inspections.
 - (2) All infractions shall be corrected in the time period set forth by the Land Use Administrator specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this regulation.
 - (3) Any structure or practice rendered ineffective by an Act of God shall not be considered non-compliance with the provisions of this ordinance if such structure or practice is restored to effectiveness within a reasonable length of time as determined by the Land Use Administrator.

SECTION 419.017: Penalties

- A. Penalties.

- (1) Violations of this chapter shall be punishable in the manner as provided for in Section 410.007, subsection A of the St. Robert Land Development Regulations.
- (2) Every day in which there shall exist any violation of this chapter shall constitute a separate offense.

B. Civil Enforcement.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages and restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

C. Revocation of Permits.

The City Land Use Administrator may revoke a land disturbance permit if the permit application or accompanying plan contains any false statement or misrepresentation of fact. The City Land Use Administrator may revoke a land disturbance permit if the permit holder fails to comply with the permit or with any provision of this chapter. Permits revoked under this section shall not be reinstated until the cause for revocation has been corrected or until the former permit holder has submitted a mitigation plan for the property and approved by the City Land Use Administrator.

D. Stop work orders.

The City Land Use Administrator is authorized to issue a stop work order whenever he/she believes unlawful land disturbance activities are occurring. A stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or the person engaged in the land disturbance activity. It shall be unlawful for any person to engage in any land disturbance activity in violation of a stop work order.

SECTION 419.019: Appeals and Variances

A. Appeals.

Any person aggrieved by any decision of the Land Use Administrator in the administration or enforcement of this chapter, other than the nuisance abatement provisions, may appeal such decision to the Board of Adjustment. An appeal from a determination of the Board of Adjustment may be made directly to the Circuit Court.

B. Variances.

- (1) Any property owner may petition the Board of Adjustment for a variance from strict compliance with the requirements of this chapter and the procedures set forth in Chapter 409. The petition shall be in writing and shall state the grounds for the petition and all facts relied upon by petitioner.

- (2) The Board of Adjustment shall not grant a variance from the requirements of this chapter unless it shall make all of the following findings:
 - (a) Good and sufficient cause based on an unreasonable burden or hardship has been proven.
 - (b) The granting of the variance would not result in any increase in quantity or velocity of flow, degradation of water quality, or negative impacts upon adjoining or downstream properties, nor upon the storm water system.
 - (c) The degree of variance is the minimum necessary to afford relief from the unreasonable burden or hardship imposed by the requirements of this chapter.
 - (d) The variance may be granted without defeating the public health, safety and welfare purposes and intent of this chapter.

CHAPTER 420 LANDSCAPING AND SCREENING

SECTION 420.001: Purpose and Authority

A. Purpose. The purpose of this chapter is:

- (1) To provide good visual appeal to buildings and paved areas through the use of trees, shrubs and plants.
- (2) To encourage areas of established native forest to be preserved within a project/development site and to properly protect preserved areas during construction.
- (3) To preserve healthy environmental condition by providing shade, air purification and oxygen generation, groundwater recharge, storm water runoff retardation, and noise, glare and heat abatement through preservation of areas of native forest and installation of landscape.
- (4) To buffer uncomplimentary adjacent land uses.
- (5) To require timely replacement of landscape components lost after installation. If seasonal limitations prevent timely replacement of lost components, replacement will occur immediately upon the arrival of the next compatible planting season.

B. Authority. The Land Use Administrator shall administer the provisions of this Chapter.

SECTION 420.003: Landscape Plan

A. Application. Landscaping consisting of trees, shrubs, ground cover, and screening as deemed applicable shall be required for any new construction or expansion of existing uses. Hereafter, all plans submitted in support of a Zoning Permit, Conditional Use Permit shall include a landscape plan and include screening where appropriate.

B. Information Required. All plans submitted for permit approval shall have the following information included as part of a landscape plan:

- (1) North point and scale.
- (2) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
- (3) The location, size and surface of materials of all structures and parking areas.
- (4) The location, size and type of all above ground and underground utilities and structures within property notation, where appropriate, as to any safety hazards to avoid during landscape installation.

- (5) Complete and accurate common names of each plant material, the number and location of trees or plants to be placed, the size at planting and areas to receive seed or sod.
- (6) An estimated count and approximate location of all existing trees, six (6) inches caliper or larger measured at four and a half (4 1/2) feet above ground level on sites that are proposed for removal and the location of planned requirements. In lieu of this count, the developer may use forty (40) trees per acre.
- (7) Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
- (8) Location of hose connections and other water sources to be used for irrigation.
- (9) The location, size and type of required screening methods as required in Section 420.009.
- (10) Any proposed retaining walls, indicating design concept, location, size and material to be used in the construction of the wall.
- (11) Regarding the landscaping plan, single-family dwellings need only supply a plan that supplies a count of the number of trees to be removed, six (6) inches in diameter and larger measured at four and one-half (4 1/2) feet above the ground, and meet the residential /landscape design requirements under Section 420.007, Subsection B (2) (c), with proposed plantings as in Subsection B (7) above, and meeting the General Standards of Section 420.005.

SECTION 420.005: General Standards

The following criteria and standards shall apply to landscape materials and installation.

- A. Quality. All trees and shrubs used in conformance with the provision of this Chapter shall have well-developed leaders and tops, and roots characteristic of the species, cultivar's or variety and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
- B. Coverage. Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a Landscape Plan where appropriate.
- C. Trees. Trees referred to in this Section shall be a species common to or adapted to the geographical area of Missouri. Caliper measurements shall be taken six (6) inches above grade. Trees shall have the following characteristics:
 - (1) Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall have a caliper width of at least two (2) inches at time of planting.

- (2) Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All under-story trees shall have a caliper width of at least one and one-half (1 1/2) inches at time of planting.
- (3) Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a caliper width of at least one (1) inch at time of planting.
- (4) Evergreen or conifer trees shall have a minimum height of twenty (20) feet at maturity. All evergreen or conifer trees shall be at least four (4) feet high at time of planting.

- D. Shrubs and hedges. Shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen, which will be at least three (3) feet high within one (1) year after time of planting.
- E. Ground cover. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after time of planting.
- F. Lawn grass. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
- G. Credit for existing trees. Any trees preserved on a site in required landscaping areas and meeting the specification in this Section may be credited toward meeting the tree requirements of any landscaping provision of Section 420.007. Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this Section.

Existing Tree Type	Size*	Credit**
Canopy	2 to 3 inches	1
	4 to 6 inches	2
	greater than 6 inches	3
Understory	1 ½ inches	1
	3 to 6 inches	2
	greater than 6 inches	3
Ornamental	1 to 2 inches	1
	3 to 5 inches	2
	greater than 5 inches	3
Evergreen	5 to 8 feet	1
	9 to 12 feet	2
	greater than 12 feet	3

*Size in inches is the diameter of the tree measured four and one-half (4 1/2) feet above grade.

**To receive credit, trees must be located in the landscape area. Each credit may be used in lieu of the planting of one (1) tree. Existing trees must satisfy the requirements of Section 420.005.

- (1) Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species located anywhere on the site may be credited as three (3) in computing the minimum requirements in landscaping areas.
- (2) Existing trees, which are preserved and receive credit shall be marked on the Landscape Plan and the amount of credit shall be indicated. Any trees, which receive credit and are later removed shall be replaced with the number of trees for which credit was received.
- (3) Existing trees that are to receive credit for preservation shall be protected during construction as follows. The conditions shall also apply to existing trees included in the Native Forest area preserved section.
 - (a) A temporary fence shall be constructed around the root zone of each tree to be preserved prior to any grading or construction on the property.
 - (b) No heavy equipment shall be used or stored within the area enclosed by the temporary fence.
 - (c) No building materials or soil shall be stored within the area enclosed by the temporary fence.
 - (d) Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used as soon as roots one (1) inch or greater in diameter are encountered, except that in the vicinity of trees less than six (6) inches in diameter at four and one-half (4 1/2) feet above grade, tunneling shall be used under the entire canopy. Tunneling must occur below the main lateral level of roots or at least two (2) feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels to the same compactness as before removal. Fertilizer shall be added to the backfill in tunnels.
 - (e) Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence and at least one (1) foot away from the tree bole (trunk) for each one (1) foot of depth of the cut.
 - (f) No grading shall be done that impounds water during wet periods or increases the drainage rate so that water tables are lowered.
 - (g) Fill may be placed within the area enclosed by the temporary fence provided the fill material consists of good topsoil, high in organic matter and of loamy texture, and does not exceed six (6) inches of depth.

SECTION 420.007: Minimum Requirements for Off-Street and Vehicular Use Areas

The interior and perimeter of parking lots and vehicular use areas, for nonresidential developments, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage, which are under, on, or within a building are exempt from these standards.

A. Interior landscaping. For sites containing parking and vehicular use areas totaling fifteen (15) or more parking spaces or the gross area is six thousand (6,000) or more square feet, a minimum of ten percent (10%) of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Five percent (5%) of the landscaped interior shall be located at the street wall (any building facing a street) to the street wall line (street line). These plantings may be grouped in such a way as to provide visual relief to those building elevations the public views of the project. Additional criteria shall apply to the interior of parking and vehicular use areas:

- (1) Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
- (2) There shall be a minimum of two (2) understory trees or ornamental tree one (1) canopy tree planted for each fifteen (15) parking spaces or six thousand (6,000) square feet of parking or vehicular use area, or fraction thereof. For every tree planted in the required ten percent (10%) area, four (4) shrubs shall be planted, the planted areas may be sodded or mulched.
- (3) Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

B. Perimeter landscaping.

- (1) Perimeter landscaping shall be provided where a parking lot or vehicular use area is within fifty (50) feet of a public right-of-way and there is not an intervening building.
- (2) Perimeter landscape areas shall contain one (1) canopy tree, one (1) understory, ornamental or evergreen tree and four (4) shrubs per hundred (100) linear feet. Where utility lines, easements, the width of the landscape area or other conditions not under the control of the developer would not allow canopy trees, each required canopy tree may be replaced by two (2) understory, ornamental or evergreen trees, or in this area, in lieu of one (1) tree, eight (8) shrubs (measured at eighteen (18) inches after planting) or eight (8) perennial bed plantings (measured at one (1) gallon size at planting) will meet the landscape requirements. Where a perimeter landscape area is less than fifty (50) linear feet only one (1) canopy tree or two (2) understory, ornamental or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs may be clustered to allow for the most effective use of landscaping. The remaining area shall be landscaped with grass or other ground over.
 - (a) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least five (5) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.

- (b) Necessary access-ways from the public right-of-way shall be permitted through all landscaping.
- (c) Residential landscape areas shall contain one (1) canopy tree, one (1) understory, ornamental or evergreen tree and four (4) shrubs per hundred (100) linear feet of street frontage. Where this street frontage is less than fifty (50) linear feet only one (1) canopy tree or two (2) understory, ornamental or evergreen trees are required in addition to four (4) shrubs. Required trees and shrubs are encouraged to be clustered and or used for foundation plantings to allow for the best landscape design.

SECTION 420.009: Screening Requirements

- A. Application. All plans submitted in support of a Zoning Permit, or Conditional Use Permit shall include a detailed drawing of applicable screening methods. Such drawing may be included as part of the Landscape Plan. No buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen, nor allowed to be used in a trade-off or modification of a standard.
- B. Trash Bin Screening. All multi-family residential projects, mobile home parks, and all commercial, office and industrial projects shall include on the landscape plan a detailed drawing of enclosure and screening methods to be used in connection with trash bins, storage yards, parking lots and equipment areas on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided for each such bin.
- C. Screening Requirements by Zoning Classification.
 - (1) At the time of development, for property zoned "Agricultural", "Commercial" or "Industrial", appropriate screening shall be provided along all rear and side property lines, which are common to property, zoned "Residential". When a new structure and/or development is proposed in a Commercial or Industrial Zoning District, which directly abuts a Residential Zoning District, the proposal shall be submitted to the Planning and Zoning Commission for their review and decision.
 - (2) All existing non-residential business's or activities which deal with merchandise, bulk goods or materials that are actively being offered for sale or openly stored; junk, wrecked, or salvage vehicles, shall be screened with an open or solid fence so that said items cannot be seen from any public street or right-of-way.
 - (3) At the time of development, for property zoned Two-family (R-2) or Multiple-family (R-3), appropriate screening shall be provided along all rear and side property lines which are common to property zoned Single-family.
 - (4) At the time of development, for property zoned Mobile Home District (R-M), appropriate screening shall be provided along all rear and side property lines which are common to property zoned Single-family, Two-family (R-2), and Multiple-family (R-3).

- D. These requirements are in addition to those of Section 420.007. However, when circumstances prevent appropriate installation of landscape to satisfy both requirements, the Land Use Administrator may relax requirements as deemed appropriate.
- E. **Limited Access To Thoroughfares And Subdivision Buffering.** The Planning and Zoning Commission may deny a new subdivision access to a major arterial or collector roads from the rear of the properties and may thus require a non-access reservation. Also, the Commission may require a buffer of up to thirty (30) feet in width along all side and rear property lines which are common between any Residential zoning districts. Buffers for side and rear yards of Commercial Zoning Districts directly abutting Residential zoning districts are to be established at a width deemed appropriate by the Planning and Zoning Commission to insure no negative impact or adverse effect on the neighboring Residential zoning districts. In addition to normal considerations, the Planning and Zoning Commission shall consider projected noise, smell and visual impact in rendering a decision. All required buffers shall include planted screening pursuant to Section 420.011(H).
- F. **Rear and Side Yard Parking Lot Screening.** Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side or rear yard, which abuts a Residential lot by acceptable screening standards as specified in Subsection (G).
- G. **Screening Standards.** A screen shall consist of a screen wall, fence, earth berm, or densely planted evergreens to effectively restrict fifty percent (50%) to seventy-five percent (75%) of the view to adjoining property to a height of not less than eight (8) feet.
- H. **Screen Type Definitions.** For the purposes of this Section the following terms shall be deemed to have the meaning indicated below:
- ❖ **BERMS:** A berm screen constructed of earthen materials shall not exceed a slope steeper than two and one-half (2 1/2) feet horizontal to one (1) foot vertical. A berm shall be so designed that drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide to soil stabilization. In addition, at least thirty percent (30%) of the area screened shall be landscaped in accordance with Subsection (G).
 - ❖ **OPEN FENCE:** An open weave or mesh type fence, constructed of wood or other approved materials shall be not less than six (6) feet in height, nor more than eight (8) feet.
 - ❖ **SOLID FENCE:** A solid fence shall not be less than six (6) feet in height, nor more than eight (8) feet and shall be constructed of wood and other approved materials. In addition, at least thirty percent (30%) of the area screened shall be landscaped in accordance with Subsection (G).
 - ❖ **WALLS:** Including retaining walls: A wall screen consisting of concrete, stone, brick, tile or similar type of approved solid masonry material, shall be not less than six (6) feet in height, nor more than eight (8) feet.
- I. **Screen Design.**
- (1) **Height.** Where there is a difference in elevation on opposite sides of the screen within ten (10) feet of the screen the height shall be measured from the highest elevation.

- (2) Sight triangle. On a corner lot in any zoning district, no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the intersection clear sight triangle as delineated in Section 412.013

J. Existing Screening. No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property, which directly abuts a residentially zoned property, without first submitting and obtaining approval for a landscaping plan, which plan provides for replacement screening conforming to all provisions of this Section.

SECTION 420.011 Screening of Dumpsters

A. Every development, except Residential Single-family sites, shall be required to provide one or more dumpsters for solid waste collection. Collection sites for such dumpsters shall be:

- (1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public right-of-ways, and
- (2) Constructed to allow for waste collection without damage to the development site or the collection vehicle.

B. All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would not be visible to:

- (1) Persons located within any dwelling unit on residential property other than that where the dumpsters is located.
- (2) Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpsters is located, unless such property is used primarily for purposes permitted exclusively in an Industrial zoning district.
- (3) Persons traveling on any public street, sidewalk, or other public way.

C. When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening. A building permit shall be obtained prior to the construction of all required dumpster screening.

D. Dumpsters required to be screened under this Section shall be screened by either of the following methods:

- (1) An open or closed fence constructed of noncombustible wood or other approved material, a minimum of six (6) feet in height.
- (2) A wall consisting of concrete, stone, brick, tile or similar type of approved solid masonry material, a minimum of six (6) feet in height.

- E. All preexisting dumpster sites which are found to be in nonconformance with the requirements of this section shall be brought into compliance within 180 days after written notification to correct said nonconforming dumpster sites.

SECTION 420.013: Installation and Maintenance

- A. Landscaping In Place Prior To Occupancy Permit. All landscaping material shall be living, healthy and in place prior to issuance of final occupancy permit. A temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting, provided a written agreement is executed between the City of St. Robert and the developer assuring that the planting will take place when the proper season arrives.
- B. Maintenance. The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all time, the landscaping required by this Chapter. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials that die shall be replaced with healthy plant material of similar variety and meeting the size requirements of this Section.
 - (1) The developer, his/her successor and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping.
 - (2) Plant material that exhibits evidence of insects, pests, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.
 - (3) All landscaping shall be subject to periodic inspection by the Land Use Administrator.
 - (4) Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent shall be considered in violation of the terms of the approved permit and this Chapter.
- C. Burning. No open burning of brush, timber and/or vegetation shall be allowed except by special permit issued by the St. Robert Fire Department.

SECTION 420.015: Exemptions for Aggregate Lot Development

- A. In subdivisions where some or all of the requirements of this Chapter have been met by the original developer, credit shall be extended for such improvements to each parcel within the subdivision.
- B. Public road right-of-way and utility easements are exempt from the provisions of this Chapter.

SECTION 420.017: Existing Developed Areas-Nonconformance, Compliance Required

- A. As of the effective date of this Chapter, property with existing development, which is not in compliance with the provisions of this Chapter, shall be considered non-conforming uses and allowed to continue so long as no building permit is issued for enlargement of a structure or building. At the time that such a permit is issued the following requirements shall be met:
- B. No additional landscaping areas shall be required if existing buildings and structures are replaced with new buildings or structures with the same total floor space provided a building permit for replacement is applied for within one (1) year after the existing buildings are removed.

- C. No additional landscaped area shall be required if a use expands into or is established in existing floor area that was previously unfinished or otherwise not available for occupancy.
- D. No landscaped area shall be required if:
 - (1) The lot is enlarged by less than twenty-five (25%) percent of the existing lot or by less than twenty thousand (20,000) square feet, whichever is greater; or
 - (2) The new floor area is enlarged by less than twenty-five percent (25%) of the existing floor area or by less than two thousand (2,000) square feet, whichever is greater.
- E. One hundred percent (100%) of the landscape area required for the entire property by the zoning district after it exceeds the above thresholds.
- F. The Land Use Administrator as part of the permit plan review shall determine if compliance with the requirements of this Chapter have been met by the applicant.
- G. Enlargement of the lot or floor area shall be cumulative, and when the above thresholds are reached, the required open space shall be provided.
- H. The above thresholds shall also apply to the landscaping requirements in a Commercial zoning district.
- I. If a landscaped area is required on the property, a six (6) foot solid wood fence, masonry/brick wall or evergreen hedge shall be provided if the minimum landscaped area required is not provided as a result of the enlargement or replacement of floor area.

SECTION 420.019: Enforcement, Violation and Penalty

- A. Enforcement. The Land Use Administrator shall enforce the provisions of this Chapter.
- B. Penalty. Any person who violates, neglects, or refuses to comply with any provisions of this Chapter, any owner or general agent of a building or premises where a violation of any provision of the Chapter has been committed or exists; or the lessee or tenant of an entire building or entire premises where such violations have been committed or exist; or any contractor or craftsman who violates, neglects, allows to exist, or refuses to comply with any provisions of this Chapter; or the owner, general agent, contractor, lessee or tenant of any part of the building in which such violation has been committed, or exists, or who commits, takes part in or assists in such violations; shall upon conviction thereof, be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a period of not more than ninety (90) days, or by both fine and imprisonment. Each day that the violation is allowed to remain shall be considered a separate infraction.

SECTION 420.021: Appeals and Variances

- A. Appeals. Any person aggrieved by any decision of the Land Use Administrator in the administration or enforcement of this chapter, other than the nuisance abatement provisions, may appeal such decision to the Board of Adjustment. An appeal from a determination of the Board of Adjustment may be made directly to the Circuit Court.
- B. Variances.

- (1) Any property owner may petition the Board of Adjustment for a variance from strict compliance with the requirements of this chapter. The petition shall be in writing and shall state the grounds for the petition and all facts relied upon by petitioner.
 - (2) The Board of Adjustment shall not grant a variance from the requirements of this chapter unless it shall make all of the following findings:
 - (a) Good and sufficient cause based on an unreasonable burden or hardship has been proven.
 - (b) The granting of the variance would not result in any negative impacts upon adjoining properties.
 - (c) The degree of variance is the minimum necessary to afford relief from the unreasonable burden or hardship imposed by the requirements of this Chapter.
 - (d) The variance may be granted without defeating the public health, safety and welfare purposes and intent of this Chapter.
- B. Procedure. The procedures set forth in Chapter 409 for appeals to the Board of Adjustment shall apply to petitions for appeals or variances from the requirements of this Chapter.

CHAPTER 421 FLOODWAYS AND FLOODPLAINS

SECTION 421.001: Findings of Fact

- A. Flood Losses Resulting from Periodic Inundation: The flood hazard areas of St. Robert, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
- B. General Causes of the Flood Losses: These flood losses are caused by; (1) The cumulative effect of obstructions in floodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
- C. Methods Used to Analyze Flood Hazards: This regulation uses a reasonable method of analyzing flood hazards, which consists of a series of interrelated steps.
 - (1) Selection of base flood, which is, based upon engineering calculations, which permit a consideration of such, flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this regulation is representative of large floods, which are reasonably characteristic of what can be expected to occur on the particular streams subject to this regulation. It is in the general order of a flood which could be expected to have a one (1) percent chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials for Pulaski County dated March 17, 2002 as amended, and any future revisions thereto.
 - (2) Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and over-bank areas to convey the regulatory flood.
 - (3) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - (5) Delineation of flood fringe, (i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the regulatory flood.)

SECTION 421.003: Statement of Purpose

- A. It is the purpose of this regulation to promote the public health, safety and general welfare and to minimize those losses described in Section 421.001A by applying the provisions of this regulation to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including public facilities, which serve such uses, be provided with flood protection at the time of initial construction;
- (3) Protect individuals from buying lands, which are unsuited for intended purposes because of flood hazard;
- (4) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

SECTION 421.005: General Provisions

- A. Applicability: This regulation shall apply to all lands within the jurisdiction of the City of St. Robert, identified as unnumbered A zones on the Flood Insurance Rate Map (FIRM) included on Pulaski County Panel 29082600 90 C dated March 17, 2002 and Panel 29082600 95 B dated April 17, 2002 as amended, and any future revisions thereto. In all areas covered by this regulation no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City of St. Robert or its duly designated representative under such safeguards and restrictions as the City of St. Robert or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 421.009 and 421.011.
- B. Local Floodplain Administrator: The City Code Official is hereby designated as the community's duly designated Floodplain Administrator under this regulation.
- C. Rules for Interpretation of District Boundaries: The boundaries of the floodway and flood fringe districts shall be determined by scaling distances on the official Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Local Floodplain Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Appeal Board, as defined in Section 421.011, will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.
- D. Compliance: No development located within known flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- E. Abrogation and Greater Restrictions: It is not intended by this regulation to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this regulation imposes

greater restrictions, the provision of this regulation shall prevail. All other regulations inconsistent with this regulation are hereby repealed to the extent of the inconsistency only.

- F. Interpretation: In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.
- G. Warning and Disclaimer of Liability: The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This regulation shall not create liability on the part of the City of St. Robert, any officer or employee thereof, for any flood damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.
- H. Severability: If any section, clause, provision or portion of this regulation is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this regulation shall not be affected thereby.
- I. Appeal: Where a request for a floodplain development permit to develop or a variance is denied by the City Code Official the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Section 421.011.

SECTION 421.007: Administration

- A. Floodplain Development Permit (Required): No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for development as set out in Subsection D of this Section.
- B. Designation of Floodplain Administrator: The City Code Official is hereby appointed to administer and implement the provisions of this regulation.
- C. Duties and Responsibilities of Local Administrator: Duties of the City Code Official shall include, but not be limited to:
 - (1) Review all floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this regulation have been satisfied;
 - (2) Review floodplain development permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required;

- (3) Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency;
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
- (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- (6) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed;
- (7) When flood proofing is utilized for a particular non-residential structure the City Code Official shall be presented certification from a registered professional engineer or architect.

D. Application for Floodplain Development Permit: To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- (1) Identify and describe the work to be covered by the floodplain development permit;
- (2) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Be accompanied by necessary plans and specifications for proposed construction;
- (5) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
- (6) Give such other information as reasonably may be required by the City Code Official, (i.e., require a statement from the applicant that they are aware that elevating or flood-proofing structures above the minimum levels will result in premium reduction.

SECTION 421.009: Provisions for Flood Hazard Reduction

A. General Standards:

- (1) No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and

unnumbered A zones (including AE, AO, and AH Zones) unless the conditions of this section are satisfied.

- (2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100 year flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of this regulation. If Flood Insurance Study data is not available the community shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- (3) New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - (a) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination;
 - (c) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (d) All utility and sanitary facilities be elevated or flood-proofed up to the regulatory flood protection elevation;
 - (e) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the community's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference in Section 421.001C
- (4) Storage and Material and Equipment
 - (a) The storage or processing of materials that are in time of flooding; buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - (b) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- (5) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage;
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage;
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards;
 - (d) Proposals for development, (including proposals for manufactured home parks and subdivisions), of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

- B. Specific Standards: In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 421.001C, the following provisions are required:
 - (1) Residential Construction. New construction or substantial improvement of any residential building or manufactured home shall have the lowest floor, including basement, elevated to 1 foot above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 421.009B(3).
 - (2) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to 1 foot above the base flood elevation. Non-residential buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural component having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 421.007C(7).
 - (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls, or meet the following minimum criteria:
 - (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and,

- (c) Openings may be equipped with screens, louver, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (d) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairways or elevator); and
 - (e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- C. AH Zones: Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- D. Manufactured Homes:
- (1) All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (a) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured home less than fifty (50) feet long requiring one (1) additional tie per side;
 - (b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (d) Any additions to the manufactured home are similarly anchored.
 - (2) Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM on sites:
 - (a) Outside of a manufactured home park or subdivision,
 - (b) In a new manufactured home park or subdivision,
 - (c) In an expansion to an existing manufactured home park or subdivision, or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation

such that the lowest floor of the manufactured home is at 1 foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 421.009D(1).

- (3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Section 421.009D(1) be elevated so that either:
 - (a) The lowest floor of the manufactured home is at one foot above the base flood elevation, or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 421.009D(2).

E. Recreational Vehicles: Require that recreational vehicles placed on sites within the identified floodplain on the community's FIRM either:

- (1) Be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use,
*or
- (2) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this regulation.

*A recreational vehicle is ready for highway use if it is on its wheels, or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

F. AO Zones: Located within the areas of special flood hazard established in Section 421.005A are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones;

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

- (b) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantial impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 421.007C(7).
- (3) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

G. Floodways:

- (1) Permitted Uses. Only uses having a flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other regulation. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Section 421.009. The following are recommended uses for the Floodway District:
 - (a) Agricultural uses such as general farming, pasture, nurseries, and forestry.
 - (b) Residential uses such as lawns, gardens, parking and play areas.
 - (c) Nonresidential areas such as loading areas, parking and airport landing strips.
 - (d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
- (2) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section 421.009 of this regulation, in meeting the standards of this section.
- (3) Denial of a floodplain development permit for development, which results in an increase in flood heights, is not appealable. The remedy for floodway encroachment would be for the applicant to provide sufficient data, through the permit issuing office to support a floodway revision to existing maps. Any such floodway revision can be granted only by the Federal Emergency Management Agency (FEMA), in accordance with Part 65.7 of 44 CFR. If appropriate, and in the best interest of the health, safety and welfare of citizens of the community, the map revision request will be forwarded to the FEMA Region VII for their review and action.

SECTION 421.011: Variance Procedures

- A. Establishment of Appeal Board: The Board of Adjustment as established by the City of St. Robert shall hear and decide appeals and requests for variances from the requirements of this Regulation.
- B. Responsibility of Appeal Board: The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Code Official in the enforcement or administration of this regulation.
- C. Further Appeals: Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of Pulaski County as provided for in Chapter 89 of the Revised Statutes of Missouri.
- D. Variance Criteria: In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this regulation, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of proposed facility and its contents to flood damage and effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - (11) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- E. Conditions for Variances:

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause, and
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.
- (6) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 421.013: Penalties for Violations

Violation of the provisions of this regulation or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of St. Robert or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 421.015: Amendments

The criteria, restrictions, and boundaries set forth in this regulation may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of St. Robert. At least 15 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The criteria of this regulation are in compliance with the National Flood Insurance Program regulations.

SECTION 421.017: Definitions

Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application.

- ❖ "100-year flood" see "base flood."
- ❖ "Accessory Structure" means the same as Appurtenant Structure.
- ❖ "Actuarial or Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
- ❖ "Administrator" means the Federal Insurance Administrator.
- ❖ "Agency" means the Federal Emergency Management Agency.
- ❖ "Agricultural commodities" means agricultural commodities and livestock.
- ❖ "Agricultural structure" means any structure used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities.
- ❖ "Appeal" means a request for a review of the local administrator's interpretation of any provision of this regulation or a request for a variance.
- ❖ "Appurtenant structure" means a structure, which is on the same parcel of property as the principle structure to be insured, and the use of which is incidental to the use of the principal structure.
- ❖ "Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- ❖ "Area of Special Flood Hazard" is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- ❖ "Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.
- ❖ "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- ❖ "Building" see "structure."
- ❖ "Chief Executive Officer or Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.
- ❖ "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- ❖ "Elevated building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.
- ❖ "Eligible community or participating community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.
- ❖ "Existing Construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."
- ❖ "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.
- ❖ "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- ❖ "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- ❖ "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

- ❖ "Flood elevation determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- ❖ "Flood Fringe" is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one (1) percent chance of flood occurrence in any one year).
- ❖ "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special hazards have been designated as zones A.
- ❖ "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Flood Insurance Study has delineated both the Special Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
- ❖ "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- ❖ "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see "flooding").
- ❖ "Floodplain management" means the operation of an overlay program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- ❖ "Floodplain management regulations" means zoning regulations, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- ❖ "Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- ❖ "Floodway or Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- ❖ "Floodway encroachment lines" means the lines marking the limits of floodways on Federal, State, and local floodplain maps.

- ❖ "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- ❖ "Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- ❖ "Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- ❖ "Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
- ❖ "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- ❖ "Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which constructed and operated in accordance with sound engineering practices.
- ❖ "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.
- ❖ "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle".
- ❖ "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- ❖ "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
- ❖ "Mean Sea level" means, for purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- ❖ "New Construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- ❖ "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.
- ❖ "Participating community" see "eligible community."
- ❖ "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State and local governments and agencies.
- ❖ "Principally above ground" means that at least 51 percent of the actual cash value of the structure, less land value is above ground.
- ❖ "Overlay District" is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
- ❖ "Recreational Vehicle" means a vehicle which is, (a) built on a single chassis (b) 400 square feet or less when measured at the largest horizontal projections (c) designed to be self-propelled or permanently towable by a light duty truck (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- ❖ "Regulatory Flood" see "base flood."
- ❖ "Regulatory Floodway" see "floodway."
- ❖ "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations.
- ❖ "Sheet flow area" see "area of shallow flooding."

- ❖ "Special flood hazard area" see "area of special flood hazard."
- ❖ "Special hazard area" means an area having special flood hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.
- ❖ "Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- ❖ "State coordinating agency" means the agency of the state, or other office designated by the Governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.
- ❖ "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "*Structure*" for insurance purposes, a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials and supplies are within and enclosed building on the premises.
- ❖ "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- ❖ "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

- ❖ "Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.
- ❖ "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this regulation is presumed to be in violation until such time as that documentation is provided.
- ❖ "Water surface elevation" means the height in relation to the National Geodetic Vertical Datum of 1929, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains of riverine area.

SECTION 421.019: Additional Standards Recommended by FEMA Region VII

The following are additional standards recommended by the Regional office. While more stringent than the minimum standards of the National Flood Insurance Program, they will greatly reduce the potential for significant flood damages in the future.

A. Critical Facilities:

- (1) All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communications centers, water and sewer pumping stations, water and sewer treatment facilities, community centers, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the elevation of the 500 year flood or together with attendant utility and sanitary facilities, be flood-proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 421.007B(2).
- (2) All critical facilities shall have access routes, which are above the elevation of the 500 year flood.
- (3) No critical facilities shall be constructed in the floodway.

B. Hazardous Materials: All hazardous material storage and handling sites shall be located out of the Special Flood Hazard Area.

CHAPTER 422 AMENDMENTS TO LAND DEVELOPMENT REGULATIONS

SECTION 422.001 Amendments in General

The Governing Body may from time to time amend, supplement, or change the district boundaries or criteria and guidelines contained in this Regulation. Proposals for amendments to the text of this Regulation or to the zoning map, including zoning district boundaries, or classification of property, may be made in accordance with the provisions of this Chapter.

SECTION 422.003 Initiation of Amendments

- A. Any person, firm or corporation, owning in fee simple real property within the city, may petition the council to amend, change, modify, supplement, or repeal the zoning district regulations and restrictions as established in this Chapter pertaining to such real property; provided that such applicant shall specify the tract of land for which amendment, change, modification, supplement or restriction is sought, along with a specification of the zoning category which the applicant is seeking. No petition shall be presented, nor considered, which presents amendments, changes, modifications, supplements or restrictions to zoning categories in the alternative with respect to any lot, tract or parcel of land.
 - (1) No petition to amend the zoning district map will be accepted if it is the same or substantially the same as a petition submitted within the previous twelve (12) months and which was denied by the Board of Aldermen or withdrawn by the applicant after a negative recommendation from the Planning and Zoning Commission. The City Council, at its discretion, may authorize a re-submittal within the twelve (12) month period after reviewing a written request from the applicant, which provides justification for the early re-submittal.
 - (2) Nothing herein shall be construed to limit the power of the Council to itself amend any petition after compliance with applicable statutory notice provisions to vary the zoning classification requested or to amend the land area of the lot, tract, or parcel when such petition is before the Council in the form of an ordinance to accomplish the petitioned for amendment, change, modification, supplement or restriction, or to grant the petition's requests in whole or in part; provided, that any such amendment shall be considered substantive.
 - (3) Nothing herein shall be construed to prevent an applicant from combining separate requests for amendment, change, modification, supplement or restriction for separate lots, tracts or parcels in common ownership in one petition, so long as no amendments, changes, modifications, supplements or restrictions are presented in the alternative.
- B. Such petition shall be on a form to be supplied by the Land Use Administrator and filed with the Land Use Administrator. Such petitions shall be directed in the first instance to the Planning and Zoning Commission. The Land Use Administrator shall review the petition to determine technical compliance with the terms and conditions of this Chapter, and if the petition and its supporting documents are found not to comply with the requirements of this Chapter, the same shall be returned to the applicant for correction. At all times during the amendment process, however, the burden of supplying complete and

accurate information contained in the petition for amendment and its supporting documents shall remain on the applicant.

- C. The petition shall contain an accurate legal description of the real property to be affected, the appropriate official street number and name for such property, the book and page numbers recording the latest deed to property, the existing zoning district, the requested zoning district or amendment, supplement, change, modification or repeal of the chapter, the reason or reasons why such supplement, change, modification or repeal is requested, and shall be signed by one of the owners or his attorney. The petition shall be accompanied by a map clearly showing the affected property. Also, the petition shall list the names and addresses of the owners all land within lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the land proposed to be rezoned. The petition shall also list the addresses of all residences (including apartments and manufactured homes) within the boundaries of the land proposed to be rezoned. The petition shall also be accompanied by a check or money order made payable to the City of St. Robert in the amount of sixty-five (\$65.00) dollars to cover all costs of advertisements of public hearing.
- D. After determining that the petition and its supporting documents are in compliance with the requirements of this Chapter, the Land Use Administrator shall set a date for a public hearing before the Commission at the next regular meeting of the Commission. Any omissions from the requirements of Subparagraph C will delay scheduling the request. The Land Use Administrator shall cause a notice of the public hearing on the subject matter of the petition to be published in a newspaper of general circulation within the City and such public hearing shall not be held within a time earlier than fifteen (15) days from and after the date of publication.
- (1) The notice of public hearing shall contain an address or description of the general location of the real property to be affected.
 - (2) The Land Use Administrator shall send, by first class mail, notice of the public hearing before the Commission on the proposed amendment to the addresses of the residences of the land to be rezoned and to the owners of all land within lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the land proposed to be rezoned. The failure of any resident or property owner to receive such notice shall not affect the validity of any ordinance rezoning land.
 - (3) The Land Use Administrator shall conspicuously place notification signs facing each street abutting the property to be rezoned. The face of the notification sign shall bear thereon the following: "PUBLIC HEARING" and "APPLICATION FOR CHANGE OF ZONING DISTRICT HAS BEEN FILED WITH THE CITY OF ST. ROBERT PLANNING AND ZONING COMMISSION. A PUBLIC HEARING WILL BE HELD ON (insert date and time) IN THE (insert name of building and street address), ST. ROBERT, MISSOURI 65584." The Land Use Administrator may provide for such additional information to be placed on any such sign, which would serve to fully inform the public as to the nature of such a zoning change. The failure of the Land Use Administrator to place notification signs shall not effect the validity of any ordinance rezoning land.

- (4) The Land Use Administrator shall forward copies of the application and supporting documents to any administrative departments affected by the requested amendment, supplement, change, modification or repeal. The various administrative departments shall, within ten (10) days of receipt of such petition and supporting papers, forward their recommendations to the Land Use Administrator.

SECTION 422.005 Commission Consideration of Proposed Amendment

- A. The Commission shall review and consider all applications for a change of zoning district in an open public meeting. At these meetings both those in favor and those opposed to the proposed rezoning shall be given an opportunity to be heard. The "open public meeting" may be any regular or special meeting of the Commission at which consideration of the proposed rezoning is included upon the agenda for that meeting. Notice of the "open public meeting" shall be provided to the parties of interest as described in Section 422.003.
- B. If the Commission makes no report to the Board of Aldermen within 60 days of the meeting at which the complete application for the zoning amendment was reviewed by the Commission, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change.
- C. The Commission shall make findings of fact, and shall submit its findings together with its recommendations, in writing, to the Board of Aldermen. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - (1) The relation of the proposed amendment to the goals and objectives of the City's Comprehensive Plan.
 - (2) The effect of the proposed amendment upon the existing uses of land within the general area of the subject property.
 - (3) The impact the change would have on neighborhood, and the suitability of the character of the property to the uses permitted under the existing, and proposed, zoning classifications.
 - (4) The trend of development in the general area of the affected property, including any other changes, which have taken place in its zoning classification.
- D. The Planning and Zoning Commission may recommend to the Board of Aldermen that a application for a change of zoning district classification be approved or denied for all or part of the property described in the application.

- E. The Planning and Zoning Commission may recommend to the Board of Aldermen a zoning district classification other than that requested in the application, provided that the recommendation is for a district classification of the same use type as that requested by the petitioner.

SECTION 422.007 Board of Aldermen Consideration

- A. The Board of Aldermen shall not schedule a public hearing with regard to, nor act upon a proposed amendment to this Regulation until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment. If the Commission makes no report to the Board of Aldermen within 60 days of the meeting at which the complete application for the zoning amendment was reviewed by the Commission, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change.
- B. After the recommendations and report of the Commission have been filed with the Board of Aldermen, the Board of Aldermen shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing on the matter, in accordance with the provisions of Section 422.009 (Hearing Required; Notice).
- C. At the conclusion of the public hearing on a proposed amendment, the Board of Aldermen may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure. If the proposed amendment should be denied by the Board of Aldermen, then the applicant shall be governed by the requirements set forth in Section 422.003A of this Chapter.
- D. The Board of Aldermen may, by ordinance, approve or deny an application for a change in zoning district classification for all or part of the property described in the application.
- E. The Board of Aldermen may enact by ordinance a zoning district classification other than that requested in the application, provided that the ordinance is for a district classification of the same use type as that requested by the petitioner.
- F. If the report by the Commission recommends the proposed amendment be denied, or otherwise submits a negative recommendation, the amendment shall become effective only by the favorable vote of two-thirds of all members of the Board of Aldermen.
- G. If a protest against the proposed amendment is presented in accordance with the provisions of Section 422.015 (Protests to Zoning District Changes), the amendment shall become effective only by the favorable vote of two-thirds of all members of the Board of Aldermen.

SECTION 422.009 Ultimate Issue Before Board of Aldermen on Amendments

- A. In deciding whether to adopt a proposed amendment to this Regulation, the central issue before the Board of Aldermen is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be

declared irrelevant by the Mayor and excluded. In particular, when considering amendments to the zoning map:

- (1) The Board of Aldermen shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board of Aldermen shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (2) The Board of Aldermen shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

SECTION 422.011 Hearing Required; Public Notice

- A. The Board of Aldermen may not adopt any ordinance that amends any of the provisions of these Regulations, nor grant a change of zoning district until a public hearing has been held on such ordinance.
- B. The Land Use Administrator shall cause public notice of the hearing to be published at least once in a newspaper of general circulation in the City of St. Robert. Notification shall commence not less than 15 days before the hearing date. The notice shall include the date, time and place of the hearing, and state that the full text of any proposed amendment to these Regulations may be obtained from the City Clerk.
- C. The Board of Aldermen shall hold a public hearing on an application for a change of zoning during the first regularly scheduled monthly meeting of the Council. The Board of Aldermen shall consider final approval of the application during the second monthly meeting of the Council, or on a later date as determined by the Board of Aldermen.

SECTION 422.013 Penalty for Removal or Defacing of Signs

Any person or persons, firm, association, or corporation, who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any sign or signs required for public notice shall be deemed guilty of a violation of this Regulation and upon conviction shall be punished as provided for in Chapter 410 (Enforcement and Review) of this Regulation.

SECTION 422.015 Protests to Zoning District Changes

- A. If a protest against such change, as described in the preceding sections, shall be presented, duly signed and acknowledged by the owners of thirty (30) percent or more, either of the area of land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not be passed except by a two-thirds vote of the council.

- B. Protest petitions must be filed with the City Clerk no later than 5:00 p.m. on the Wednesday preceding the Council hearing on the proposed amendment.