
THE CITY OF **Valley
Park**

ZONING ORDINANCE



May 2013

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CHAPTER 405: ZONING REGULATIONS

Cross References--Alcoholic beverages, ch. 600; licenses and business regulations, ch. 605; planning and development, ch. 400; subdivisions, ch. 410.

ARTICLE I. SHORT TITLE, PURPOSE, AND LEGAL CLAUSES

SECTION 405.010: TITLE

This Chapter shall be known and may be cited hereinafter as the "Zoning Code of the City of Valley Park". (Ord. No. 916 §1, 4-4-88)

SECTION 405.020: PURPOSE

The purpose of this Chapter is to regulate and control the zoning of land and subsequent use of said land within the City of Valley Park in order to promote public safety, health, and general welfare of the citizens. These regulations are specifically designed to:

1. Protect the character and stability of residential, recreation, commercial, industrial, and open space areas within the City of Valley Park and promote their orderly and beneficial development;
2. Provide privacy and convenience of access to property;
3. Regulate the intensity of land use and establish open areas surrounding buildings and structures necessary to provide adequate light and ventilation and to protect public safety and health;
4. Regulate and limit the height of buildings and structures;
5. Lessen and avoid congestion on public streets by providing off-street parking and loading;
6. Regulate and limit the density of population based on the City's ability to provide for water, sewerage, schools, parks and other essential public services;
7. Divide the City into zoning districts and establish, by reference to a map, the boundaries of said districts;
8. Fix reasonable standards to which land, buildings, structures, and their uses must conform;
9. Prohibit uses, buildings, or structures which are incompatible with the character of development or uses, buildings, or structures permitted within specified zoning districts;
10. Prevent illegal additions or alterations of existing buildings or structures;
11. Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of public health, safety, and general welfare;
12. Prevent overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
13. Preserve and enhance the taxable value of land, buildings, and structures throughout the City;
14. Provide for the completion, restoration, reconstruction, extension, or substitution of non-conforming uses;

15. Designate and define the powers and duties of the officials administering and enforcing this Chapter; and
16. Provide penalties for the violation of this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.030: COMPLIANCE WITH THE REGULATIONS

The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

1. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
2. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard of lot area for more than one (1) building.
3. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in this Chapter.
4. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Wherever the regulations of this Chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations of this Chapter shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by this Chapter, the provisions of such statute or local ordinance or regulation shall govern.
5. This Chapter is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Chapter shall govern. (Ord. No. 916 §1, 4-4-88)

ARTICLE II. RULES AND DEFINITIONS

SECTION 405.040: RULES OF CONSTRUCTION

For the purpose of this Chapter, certain rules of construction apply to the text, as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
2. The terms "*shall*" and "*must*" are always mandatory and not discretionary; the words "*may*" or "*should*" are permissive.
3. For the purpose of this Chapter, certain words and phrases are herein defined. Words and phrases defined herein shall be given the defined meaning. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specified meaning.

4. The word "*person*" includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
5. The words "*use*" or "*occupy*" shall include the words "*intended*", "*designed*", or "*arranged*" to be "*used*" or "*occupied*". (Ord. No. 916 §1, 4-4-88)

SECTION 405.050: DEFINITIONS

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

100-YEAR FLOOD: See "**BASE FLOOD**".

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

ACCESSORY USE: A use incidental and subordinate to the principal use of the premises.

ACTUARIAL RATES: See "**RISK PREMIUM RATES**".

ADULT-ORIENTED BUSINESSES: A land use and/or associated business as defined in Chapter 405; Article X, Special Procedures & Regulation, Section 405.615: Definitions.

AGENCY: The Federal Emergency Management Agency (FEMA).

AGRICULTURAL: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feed lots or pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

AGRICULTURAL COMMODITIES: Agricultural products and livestock.

AGRICULTURAL STRUCTURE: Any structure used exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities.

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

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

APPEAL: A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

AS BUILT PLANS: Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

ATRIUM: An open public area within a building established principally for aesthetic purposes.

AUTOMOBILE (AUTOMOTIVE): As used herein, the term includes passenger cars,

motorcycles, vans, pickup trucks, and recreational vehicles.

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

BASE FLOOD: The flood elevation having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: A floored and walled substructure of a building having its floor subgrade (below ground level) on all sides.

BIOSWALE: A shallow depression for stormwater runoff which uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water.

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

BOARD OF ALDERMEN: The officially elected Board of Aldermen of the City of Valley Park; the term may be abbreviated in this Chapter as the Board.

BOARDING HOUSE OR LODGING HOUSE: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for four (4) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

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 the support, shelter, or enclosure of persons, animals, chattel, or property of any kind, but not including any vehicle, trailer (with or without wheels), nor any movable device such as furniture, machinery, or equipment.

For "floodplain management purposes", a "Building" is defined as 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, means 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 or supplies are within an enclosed building on the premises.

BUILDING OR LOT COVERAGE: Building or lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and include all projections other than open porches, fire escapes, or the first three (3) feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement. The percent of Building or lot coverage shall be computed as follows:

Percent of building or lot coverage equals the total square feet of ground coverage of all principal and accessory buildings divided by total square feet of lot area.

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

BUILDING LINE OR SETBACK LINE: A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way, stream bank, or other property line.

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

CFL: - Compact fluorescent lamp, one type of energy-efficient bulb that uses less wattage to produce the same amount of lumens as a standard bulb.

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

CHURCH: A building used principally for religious worship but the word "*church*" shall not include or mean an undertakers chapel, or funeral building, a religious educational institution or parochial school or day care center.

CITY: The City of Valley Park, Missouri.

CITY ENGINEER: The officially appointed Engineer of the City of Valley Park.

CITY PLANNING AND ZONING COMMISSION: The officially appointed Planning and Zoning Commission of the City of Valley Park; the term may be abbreviated in this Chapter as the "*Commission*".

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

CODE ENFORCEMENT OFFICER: The officially designated representative of the City of Valley Park responsible for the enforcement of the sign, zoning, and other ordinances.

COMMUNITY: Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

COMMUNITY DEVELOPMENT DIRECTOR: The officially appointed or full-time Community Development Director and/or the Building Commissioner of the City of Valley Park.

COMMUNITY CENTER: A facility maintained by a public agency or by a not-for-profit community or neighborhood association primarily for social, recreational, or educational needs of the community or neighborhood.

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

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

CONVENIENCE STORE: A retail establishment having a gross floor area of five thousand (5,000) square feet or less, primarily selling foods as well as other household goods customarily sold in larger food markets and supermarkets.

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

DAY CARE CENTER: A place which provides shelter and personal care on a regular basis for five (5) or more children who are not related within the third degree computed according to civil law to the operator, for four (4) or more hours of any part of a twenty-four (24) hour day, whether such place be organized or operated for profit or not. The term "*day care center*" includes child care facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.

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

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

DEVELOPER: Any person, persons, corporation, or government agency undertaking any development as defined in this Chapter. The term "*developer*" includes such commonly used references as subdivider, owner, and proprietor.

DEVELOPMENT: Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to provisions of their ordinance, or the act of building structures and/or installing site improvements. Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

DRIVE-IN ESTABLISHMENTS: Any business so developed that its retail or services character is dependent upon serving patrons who remain in their motor vehicles in a driveway or parking spaces.

DWELLING: A building or portion thereof, designed exclusively for residential occupancy.

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

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, arranged, intended or designed for occupancy by two (2) or more families.

DWELLING, SINGLE-FAMILY: A detached building arranged, intended, or designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY ATTACHED: Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot.

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

ELEVATED BUILDING: 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: A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

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

EXISTING CONSTRUCTION: 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 FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: 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 completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The reparation 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 site grading or the pouring of concrete pads).

FAMILY: One (1) or more persons who are related by blood, marriage, or adoption, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) unrelated persons living together by joint agreement occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

FARM: A parcel of land used for growing or raising agricultural products, including related structures thereon.

FAST FOOD RESTAURANT: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out. In addition, where either:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, or where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed, or
2. The establishment includes a drive-up or drive-through service facility or offers curb service.

FILLING STATION (SERVICE STATION): Any structure or premises used for dispensing or sale, at retail, of vehicle fuels or lubricants, including lubrication of vehicles and replacement or installation of minor parts and accessories, but not primarily engaged in major repair work such as engine replacement, body and fender repair, or spray painting.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATION: A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards.

FLOOD FRINGE: The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FLOOD HAZARD BOUNDARY MAP (FIMM): An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see "FLOODING").

FLOOD PLAIN: Area within the City of Valley Park subject to a one percent (1%), or greater, chance of flooding in any given year, as defined by the U.S. Army Corps of Engineers and required by The National Flood Insurance Act. and SECTION 405.625: FLOOD HAZARD PREVENTION of this Chapter.

FLOODPLAIN MANAGEMENT: The operation of an overall 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: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY: 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 (1) foot.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on Federal, State and local floodplain maps.

FREEBOARD: 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 bridge openings and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

FLOODWAY: The area designated as Floodway on the City Zoning Map. It is derived by determining that portion 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 (1) foot.

FLOOR AREA, GROSS: The sum of the gross horizontal area of all floors of a building including basement areas, as measured from the interior perimeter of exterior walls. Such area shall not include the following: Interior loading and parking areas, atriums except the first (1st) floor area, rooftop mechanical equipment enclosures, and the enclosed mall areas of shopping centers.

FOOTCANDLE: The unit of measure expressing the quantity of light received upon a surface. One foot-candle is the luminance produced by a candle on the surface of one foot square projected from a distance of one foot.

FRONTAGE: The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street right-of-way.

FULLY SHIELDED LUMINAIRE: A luminaire constructed and installed in such a manner that all light emitted, both directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part, is projected below the horizontal plane through the lowest light-emitting portion.

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

GARAGE, PRIVATE: An accessory building or portion of a main building used for storage of automobiles.

GASOLINE STATION AND CONVENIENCE CENTER (TRAVEL CENTER): A gasoline station, fast-food restaurant, and convenience store located on the same lot and planned, operated, and maintained as an integrated planned development.

GLARE: Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

GOLF, MINIATURE: A commercial recreation facility, resembling golf, containing short "holes", the majority of which are under three hundred (300) feet in length, and primarily utilizing putting irons.

GROUP HOME: Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

GYMNASIUM: A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HEIGHT OF BUILDINGS AND STRUCTURES: The vertical distance from the average ground level abutting a building or structure to the highest point of the roof of a building or highest point of any permanent part of a structure other than a building.

HELIPORT: A facility for the servicing, take-off, and landing of helicopters.

HISTORIC STRUCTURE: Any structure that is:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs

HOME OCCUPATION: A domestic activity carried on by members of a family residing on the premises, but excluding beauty shops, barber shops, music schools, convalescent or nursing homes, massage or other establishments offering services to the general public, and providing that there are no signs nor any display that will indicate from the exterior of the building that is being utilized, in whole or in part, for any purpose other than that of a dwelling; providing, also, that there is not stock in trade or commodity sold upon the premises, no person is employed other than a member of the family residing on the premises, and no mechanical equipment is used except as is

customary for purely domestic or household, purposes. The care and supervision of not more than four (4) children other than those residing on the premises shall be considered a permitted home occupation.

HOSPITAL: An institution providing medical and surgical care for humans only, for both in- and out-patients, including medical service, training, and research facilities.

HOTEL OR MOTOR HOTEL (MOTEL): A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

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

KENNEL: An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

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

LED: Light emitting diode, one type of energy-efficient bulb that uses less wattage to produce the same amount of lumens as a standard bulb.

LIGHT POLLUTION: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, which space shall have a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

LOT: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

LOT, CORNER: A platted parcel of land abutting two (2) road rights-of-way at their intersection.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, FRONT: The boundary between a lot and the street right-of-way on which it fronts.

LOT LINE, REAR: The boundary line or lines opposite and most distant from the front street right-of-way line; except that in the case of uncertainty the Building Inspector shall determine the rear line.

LOT LINE, SIDE: Any lot boundary line not a front or rear line thereof; a side line may be a party lot line, a line bordering on an alley or place or a side street right-of-way line.

LOT (PARCEL) OF RECORD: A lot which is part of a subdivision, the plat of which has been legally approved by the City and recorded in the office of the Recorder of Deeds of St. Louis County, or a parcel of land which was legally approved as a subdivided lot by the City, and the deed recorded in the office of the Recorder of Deeds.

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

LOWEST FLOOR: 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 floodproofing design requirements of this Chapter.

LUMEN: The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).

LUMINAIRE: The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s)

(when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

MALL: (1) A shaded walk or public promenade; (2) a shopping center where stores front on both sides of a pedestrian way, which may be enclosed or open.

MANUFACTURED HOME: A structure, transportable in one or (1) more sections, that 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 a "*recreational vehicle*".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP: The Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MATERIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair as started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "*material improvements*" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), 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 (FIRM) are referenced.

MEDICAL OR DENTAL OFFICE (CLINIC): A facility for the practice of medicine or dentistry for humans, including accessory diagnostic laboratories, but not including in-patient or overnight care, or operating rooms for major surgery.

MOBILE HOME: A single-family dwelling unit that has the following characteristics:

1. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.
3. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor incidental unpacking and assembly operations, location of foundation supports, connection to utilities, and the like.

MOBILE HOME PARK DISTRICT: A mobile home park district is any parcel of land consisting of three (3) or more acres upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such

accommodation. A *"mobile home space"* means the area within a mobile home district designed for the accommodation of one (1) mobile home.

MODULAR HOME; A structure intended for residential use and manufactured off-site in accordance with the local or state code.

NEW CONSTRUCTION: For the purposes 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 regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: 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.

NFIP: The National Flood Insurance Program (NFIP).

NON-CONFORMING USE, BUILDING OR YARD: A use, building or yard existing legally at the time of the passage of this Chapter, or any amendment thereto, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated.

NURSERY, DAY: A building used for the supervision and care of five (5) or more preschool children, other than those of the operator, during daylight hours.

NURSERY SCHOOL: A pre-kindergarten school for children, primarily between the ages of three (3) and five (5).

NURSING HOME: A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care, licensed by the State of Missouri.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OPEN STORAGE: Storage of materials or goods on the ground or platforms outside of a building.

PARCEL (TRACT) OF LAND: A separately designated area of land delineated by identifiable legally recorded boundary lines, which may or may not be a lot of record.

PARK: An area open to the general public and reserved for recreational, educational or scenic purposes.

PARKING AREA: An area of land used or intended for off-street parking facilities for motor vehicles.

PARKING SPACE: A usable space, durably paved and properly graded for drainage, enclosed in a main building or in an accessory building, or unenclosed, which is reserved for the temporary storage of one (1) vehicle, and connected to a street, alley, or other designated roadway by a paved aisle or driveway. Each such designated space shall comply with the dimensional requirements set forth in Article VII, Off-Street Parking and Loading Requirements.

PARTICIPATING COMMUNITY also known as *"ELIGIBLE COMMUNITY"*: A community in which the Administrator has authorized the sale of flood insurance.

PAVE (PAVEMENT): The act or result of applying a hard, all-weather watertight material to any ground surface in such manner as to present a uniform surface over large areas in accordance with City standards.

PERMEABLE PAVING MATERIAL: Porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, and open-cell unit paver systems.

PERSON: Any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

PLAT: A subdivision of land legally approved.

PLANT NURSERY: A farm, garden, or other cultivated land together with accessory structures designed and intended to be used only for the cultivation and sale of live vegetation.

PRINCIPALLY ABOVE GROUND: At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

PROPERTY LINE: The legally recorded boundary of a lot, tract, or other parcel of land.

PUBLIC USE AREAS: Public parks, playgrounds, recreational areas, designated scenic or historic sites; school sites or sites for other public buildings, and other areas dedicated to public use.

PUBLIC UTILITY FACILITY, LOCAL: A public utility facility serving a local area only, such as an electric substation or a water or gas pumping or regulating station or a telephone switching center.

RAIN GARDEN: A swale, or low tract of land into which water flows, planted with vegetation that requires or tolerates high moisture levels. A rain garden can reduce the volume of water entering storm drains and replenish groundwater.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational vehicles are also portable structures without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes. The term used herein shall also include motorcycles and all-terrain vehicles including motorcycle and utility trailers.

REMEDY A VIOLATION: To bring the structure or other development into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

RESIDENCE: Any building which is designed or used exclusively for residential purposes, except hotels and motels.

RETREAT: A building or group of buildings with designated open areas utilized and maintained for educational and religious conclaves, seminars, and similar activities by particular educational, religious, fraternal or other groups.

REVERSE FRONTAGE: When a residential subdivision lot occurs between two (2) non-intersecting streets, one (1) of which is a parkway, thoroughfare, or collector and the other is a minor residential street, the lot will front on the minor residential street and a non-access reservation will be provided buffering the rear of the lot from the traffic artery.

RIGHT-OF-WAY: The land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course or other public purpose.

RISK PREMIUM RATES: 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 National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

ROADWAY: The entire area within public or private vehicular easement or right-of-way lines, whether improved or unimproved.

SETBACK (BUILDING LINE): The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this Chapter.

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

SIGHT DISTANCE TRIANGLE: The triangle area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines forty (40) feet from the intersection of the property lines.

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

SKY GLOW: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

SPECIAL FLOOD HAZARD AREA: See "AREA OF SPECIAL FLOOD HAZARD".

SPECIAL HAZARD AREA: An area having special flood hazards and shown on a FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

START OF CONSTRUCTION: Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, additional placement or other improvements were within one hundred eighty (180) days of the permit date. The "actual start" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, 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, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, 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 (1st) 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: That agency of the State Government 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 (NFIP) in that State.

STORY: Part of a building included between the surface of one (1) floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half (½) story when the main line of the eaves is not above the middle of the interior height of such story. The first (1st) story is a half (½) story when between fifty percent (50%) and seventy-five percent (75%) of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls

contain windows or doors permitting the entrance of daylight and outside air.

STREET: A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court or other such terms but shall not include pedestrian way or alley.

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

STRUCTURE: Any improvement on land composed of man-made materials. 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, means 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 or supplies are within an enclosed building on the premises.

SUBDIVISION: The partitioning of a parcel or tract of land by an owner or developer into two (2) or more lots of any size for the purpose of sale, lease, or development, whether immediate or future; included are all changes in street lines, dedication or platting of streets, and changes in lot lines.

SUBSTANTIAL CONSTRUCTION, DEVELOPMENT OR WORK:

1. In a project involving structures, the completion of excavation for footings and foundations.
2. In a project involving no structures or insignificant structures, the completion of grading.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term 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 that 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".

TERMINAL: A depot building or area specifically designated for the storage or transfer of persons or material, or temporary storage and service of operable vehicles used in the transport of persons, goods or materials.

TOWER, TELECOMMUNICATION: A land use and/or structure as defined in Chapter 545: Section 545.020: Definitions. (Ord. No. 1353 §1(II), 9-15-97)

USE: The purpose or activity for which a piece of land or its buildings is designed, arranged, or

intended, or for which it is occupied or maintained.

VARIANCE: A modification of the specific requirements of this Chapter granted by the Board of Adjustment in accordance with the terms of this Chapter for the purpose of assuring that no property because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modifications shall not include authorizing a use not among the uses specified by this Chapter as permitted in the district in which such property is located. With regard to floodplain, a variance represents 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.

VEHICLE REPAIR FACILITY: Any structure or premises conducting major vehicle repair work within enclosed service bays or stalls, including the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, or spray painting, but not including tire recapping or vulcanizing, or the outdoor storage of wrecked or otherwise damaged and immobilized vehicles.

VEHICLE SERVICE CENTER: Any structure or premises used for the servicing and minor repair of vehicles with enclosed service bays or stalls, including diagnostic services, lubrication of vehicles, and minor engine repair such as tune-ups, and the sale and installation of minor parts and accessories such as tires, batteries, shock absorbers, brakes, mufflers, and tail pipes. This use shall not include any establishment engaged in major repair work such as the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, spray painting, tire recapping or vulcanizing, or the storage of wrecked or damaged and immobilized vehicles.

VETERINARY CLINIC (ANIMAL HOSPITAL): A facility for the practice of veterinary medicine.

VIOLATION: 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 Chapter is resumed to be in violation until such time as that documentation is provided.

WAREHOUSE: A structure for use as a storage place for goods, materials or merchandise.

WATER SURFACE ELEVATION: The height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain. (Ord. No. 1701 §1, 3-20-06)

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting said street shall be measured from the street right-of-way.

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

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

YARD, SIDE: A yard between the main building and the adjacent side line of the lot, and extending entirely from the front lot line to the rear lot line.

ZONING CODE: The duly approved, enacted, and amended ordinance which controls and regulates zoning in the City of Valley Park. (Ord. No. 916 §1, 4-4-88)

ARTICLE III. GENERAL PROVISIONS

SECTION 405.060: ESTABLISHMENT OF DISTRICTS

The City is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon is hereby adopted by reference and declared part of this Chapter.

<i>District Classification</i>	<i>Code Designation</i>
"R-1" Single-Family Residential	"R-1"
"R-2" Single-Family Residential	"R-2"
"R-3" Multiple-Family Residential	"R-3"
"C-1" Local Business	"C-1"
"C-2" Commercial District	"C-2"
"I-1" Light Industrial	"I-1"
"PD-R" Planned Development Residential	"PD-R"
"PD-C" Planned Development Commercial	"PD-C"
"PD-I" Planned Development Industrial	"PD-I"
"PD-MXD" Planned Development Mixed Use	"PD-MXD"

(Ord. No. 916 §1, 4-4-88)

SECTION 405.070: CHANGES TO OFFICIAL ZONING MAP

If, in accordance with procedures of this Chapter and of Chapter 89, RSMo., as amended, a change is made in a zoning district boundary, such change shall be made by the Mayor or his/her designee promptly after the ordinance authorizing such change shall have been adopted by the Board of Aldermen and published, with an entry on the Official Zoning Map. (Ord. No. 916 §1, 4-4-88)

SECTION 405.080: AUTHORITY OF OFFICIAL ZONING MAP

The Official Zoning Map shall be located in City Hall and shall be available for public inspection, and shall be, with the revised ordinance, the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the City. (Ord. No. 916 §1, 4-4-88)

SECTION 405.090: REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Board of Aldermen may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Code or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Code (Ordinance No. 916), adopted on April 4, 1988; this map replaces and supersedes the previous Official Zoning Map." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment. (Ord. No. 916 §1, 4-4-88)

SECTION 405.100: INTERPRETATION OF DISTRICT REGULATIONS

The Board of Zoning Adjustment shall interpret the provisions of this Chapter as they pertain to the location of district boundaries where uncertainty exists as to the location of the district boundaries in relation to the Official Zoning Map. The following rules for interpretation shall apply:

1. A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.
2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following the corporate boundary line of a City, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
6. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
7. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by Subsections (1) through (7) above, the Community Development Director shall interpret the zoning district boundary.
9. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this Chapter, the Board of Adjustment may permit as a conditional use, the extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot. (Ord. No. 916 §1, 4-4-88)

SECTION 405.110: APPLICATION OF REGULATIONS

The regulations established by this Chapter within each zoning district shall be minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, the Board of Adjustment shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Chapter so long as the intent and purposes of this Chapter shall be observed, public safety secured, and substantial justice done. (Ord. No. 916 §1, 4-4-88)

SECTION 405.120: SCOPE OF PROVISIONS

The provisions of this Chapter shall apply to all uses, structures, improvements, and alterations currently existing or approved by the City after enactment of this Chapter. (Ord. No. 916 §1, 4-4-88)

ARTICLE IV. SCHEDULE OF DISTRICT REGULATIONS

SECTION 405.130: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. *Purpose.* The district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix "A" of this Title.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix "A" of this Title.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
1. *Lot area.*
 - a. Single-family dwellings shall be located on lots containing a minimum area of ten thousand (10,000) square feet and larger.
 - b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Article VII.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by the Community Development Director to meet current health standards, but in no case shall be smaller than three (3) acres in size, and shall require the review and approval of the Planning and Zoning Commission.
 2. *Minimum lot width and depth.*

<i>Min. Lot Area</i> (square feet)	<i>Minimum Lot Width</i> (feet)
10,000	75

Where a lot fronts a cul-de-sac a fifty (50) foot width at the street right-of-way line is required.
 3. *Lot coverage.* The maximum lot coverage by buildings or structures shall not exceed thirty percent (30%) of the lot area.
 4. *Yard requirements.*
 - a. *Front yards.* Not less than thirty-five (35) feet.
 - b. *Side yards.* Not less than eight (8) feet on each side of the dwelling.
 - c. *Rear yard.* Not less than thirty (30) feet or twenty percent (20%) of the lot depth, whichever is larger, but not exceeding fifty (50) feet.
 5. *Height requirements.*
 - a. *For buildings and structures.* No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet.
 - b. *For accessory buildings.* No detached accessory building shall be higher than twenty-five (25) feet, nor higher than the main building. (See Article V, Supplementary District Regulations for additional regulations for accessory buildings.)
 6. *Off-street parking.* Two (2) off-street parking spaces shall be provided for each single-family dwelling, one (1) of which shall be located behind the front building line. (See Article VII for additional parking requirements.)

7. *Exceptions.*

- a. If a lot or tract of land has less area or width than required above, and was of record on adoption of this Chapter that lot or tract may be used for any of the uses permitted by this Section, including additions to existing structure and notwithstanding its non-conformance with this Section, but in no instance shall there be a side yard of less than six (6) feet.
- b. *Front yard.* There shall be a front yard having a depth of not less than thirty-five (35) feet, unless forty percent (40%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than ten (10) feet, in which case no building shall project beyond the average front yard so established. Front yards shall conform to minimum standard widths of streets and roads, and to future street and highway widenings according to the setback lines herein provided for. Front yards shall be measured from proposed right-of-way lines where setback lines are herein established, and, otherwise, from an actual or potential right-of-way line of fifty (50) feet wide road, street, or highway. Where lots have a double frontage a required front yard shall be provided for on both streets, except that the buildable width of such lot shall not be reduced to less than forty (40) feet, in which latter event the Building Commissioner may waive this requirement as to the street which will least affect surrounding property values. (Ord. No. 916 §1, 4-4-88)

SECTION 405.140: "R-2" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. *Purpose.* The district is composed of those areas of the City whose principal use is and ought to be single-family dwellings on moderate to large sized lots. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix "A" of this Title.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix "A" of this Title.
- D. *Regulations And Performance Standards.* The following regulations shall apply:
 1. *Lot area.*
 - a. Single-family dwellings shall be located on lots containing a minimum area of seven thousand five hundred (7,500) square feet. For smaller lot sizes see Section 405.180, "PD".
 - b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Article VII.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by the Community Development Director to meet current health standards, but in no case shall be smaller than three (3) acres in size, and shall require the review and approval of the Planning and Zoning Commission.
 2. *Minimum lot width and depth.*

Min. Lot Area
(square feet)
7,500

Min. Lot Width
(feet)
60

Where a lot fronts a cul-de-sac a fifty (50) foot width at the street right-of-way line is

-
- required.
3. *Lot coverage.* The maximum lot coverage by buildings or structures shall not exceed thirty percent (30%) of the lot area.
 4. *Yard requirements.*
 - a. *Front yards.* Not less than thirty (30) feet.
 - b. *Side yards.* Not less than six (6) feet on each side of the dwelling.
 - c. *Rear yard.* Not less than twenty-five (25) feet or twenty percent (20%) of the lot depth, whichever is larger, but shall not be required to exceed thirty-five (35) feet.
 5. *Height requirements.*
 - a. *For buildings and structures.* No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet.
 - b. *For accessory buildings.* No detached accessory building shall be higher than twenty-five (25) feet, nor higher than the main building. (See Article V, Supplementary District Regulations for additional regulations for accessory buildings.)
 6. *Off-street parking.* Two (2) off-street parking spaces shall be provided for each single-family dwelling, one (1) of which shall be located behind the front building line. (See Article VII for additional parking requirements.)
 7. *Exceptions.*
 - a. As regulated by Section 405.130(D)(7); however, in no instance shall any side yard be less than six (6) feet.
 - b. As regulated by Section 405.130(D)(7); however, observing a minimum front yard setback of twenty-five (25) feet. (Ord. No. 916 §1, 4-4-88)

SECTION 405.150: "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. *Purpose.* The district is composed of those areas of the City whose principal use is and ought to be multiple-family dwellings. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix "A" of this Title.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix "A" of this Title.
- D. *Regulations and Performance Standards.* The following regulations shall apply:
 1. *Lot area.*
 - a. A minimum lot area of four thousand (4,000) square feet for each multiple-family dwelling unit or seven thousand five hundred (7,500) square feet of lot area for a single-family dwelling. For smaller lot sizes, see Section 405.180, "PD".
 - b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Article VII.
 - c. Where a use is not connected to a public sewer, the lot area shall be increased to the area determined as adequate by the Community Development Director to meet current health standards, but in no case shall be smaller than three (3) acres in size, and shall require the review and approval of the Planning and Zoning Commission.

2. *Minimum lot width and depth.*

<i>Min. Lot Area (square feet)</i>	<i>Min. Lot Width (feet)</i>
4,000 per Multi-Family Unit	50
7,500 per Single-Family Dwellings	75

Where a lot fronts a cul-de-sac a thirty-five (35) foot width at the street right-of-way line is required.

3. *Lot coverage.* The maximum lot coverage by buildings or structures shall not exceed forty percent (40%) of the lot area.

4. *Yard requirements.*

- a. *Front yards.* Not less than thirty (30) feet.
- b. *Side yards.* Not less than six (6) feet on each side of the dwelling.
- c. *Rear yard.* Not less than thirty (30) feet or twenty percent (20%) of the lot depth, whichever is larger, but not exceeding thirty-five (35) feet.

5. *Height requirements.*

- a. *For buildings and structures.* No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet.
- b. *For accessory buildings.* No detached accessory building shall be higher than twenty-five (25) feet, nor higher than the main building. (See Article V, Supplementary District Regulations for additional regulations for accessory buildings.)

6. *Off-street parking.* One and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. (See Article VII for additional parking requirements.)

7. *Exceptions.*

- a. As regulated by Section 405.130(D)(7); however, in no instance shall any side yard be less than six (6) feet.
- b. As regulated by Section 405.130(D)(7); however, observing a minimum front yard setback of thirty (30) feet. (Ord. No. 916 §1, 4-4-88)

SECTION 405.160: "C-1" LOCAL BUSINESS DISTRICT

A. *Purpose.* This district is composed of those areas of the City whose principal use is and ought to be general retail, service, and repair business activities which serve the entire City and surrounding area. This district has been located within the City to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

B. *Permitted Uses.* The listing of permitted uses is set out in Appendix "A" of this Title.

C. *Conditional Uses.* The listing of conditional uses is set out in Appendix "A" of this Title. See Article X for specific regulations pertaining to Motor Vehicle Oriented Businesses.

D. *Regulations and Performance Standards.* The following regulations shall apply in all "C-1" Local Business Districts:

- 1. *Minimum site area.* Five (5) acres unless the project abuts an existing commercial or industrial zone.
- 2. *Minimum lot width.* One hundred fifty (150) feet at the property line.
- 3. *Maximum lot coverage.* No limit.
- 4. *Yard and setback requirements.*

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- a. *Front yard.* Not less than thirty (30) feet, including all signs, pump islands, and canopies of gasoline service stations.
 - b. *Side yard.* There shall be a side yard on each side of the building of not less than five (5) feet unless a smaller side yard shall be authorized by special permit from the Board of Aldermen. Side yard requirements shall be twenty-five (25) feet where abutting any residential district.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 5. *Height requirements.* No building shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height, except buildings may exceed two and one-half (2½) stories in height if the building conforms to the following requirements: The ratio of the floor area of the building to the area of the lot shall not exceed one (1) to one and one-half (1½). The floor area shall be the gross horizontal area of the several floors, including basements, cellars, and penthouses (but excluding such areas within the building which are used for parking), measured from the exterior walls of the building. The area of the lot shall mean the total area of the site, exclusive of the area occupied by streets.
 6. *Off-street parking.* As required by Article VII.
 7. *Site plan review.* For all new construction, additions to existing structures, and expansion or improvements to parking areas, and as required by procedures outlined by Article IX.
 - a. *Site design requirements.*
 - (1) Any part of a lot area not used for buildings or other structures or for parking, loading, or access ways, shall be landscaped with grass, ground cover, trees, shrubs, and pedestrian walks. A planting strip of ten (10) feet shall be provided and maintained within the required thirty (30) foot front yard. For all buildings, there shall be one (1) three (3) inch caliper tree existing or planted for every ten (10) parking spaces. Seventy-five percent (75%) shall be located within the paved area; trees shall be spaced approximately fifty (50) feet on center across all front yards. Foundation plantings shall be planted and maintained along all exterior walls of all buildings at the ratio of one (1) plant material for every ten (10) lineal feet of exterior wall.
 - (2) Where any parcel within the C-1 Local Business District abuts any residential district or development, a twenty-five (25) foot landscaped buffer shall be provided and maintained along all rear and side property lines where it abuts the residential district or development. The buffer area shall contain evergreen plant material a minimum height of six (6) feet, planted on ten (10) foot centers. A solid fence six (6) feet in height shall be provided along the residential and other required property lines.
 - (3) Sidewalks shall be provided along all street frontages between the front property line and the edge of the street paving or curb, the location to be approved by the Community Development Director.
 - (4) All exterior lighting shall be erected so as to minimize any glare to abutting single-family residential districts. All lighting shall be served with underground cable. All parking areas and walkways shall be illuminated so as to produce a uniform illumination of two (2) foot-candles within said areas.
 - (5) *Access requirements.* All developed parcels shall be provided interior drives with a minimum width of pavement of twenty-four (24) feet. Driveway openings shall be limited to not more than thirty-six (36) feet in width and shall be limited to one

(1) drive per one hundred (100) feet of lot width. All roads and drives shall be paved with hard surface material meeting specifications of the City of Valley Park. Curb and gutters shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with curb and gutter. Surface or underground storm drainage facilities shall be provided for all roads, drives, and parking areas as approved by the Community Development Director. All storm drainage will be directed into established surface or underground storm drainage facilities.

(a) *Modifications of above referenced site design requirements.*

- (i) The Planning and Zoning Commission may recommend for aldermanic approval modifications of the requirements of above referenced site design requirements of this Subsection, the strict enforcement of which would entail unusual or real difficulties in carrying out the intent of this Section.
- (ii) Before any modification of this Section can be granted, the Commission shall determine whether such modification will:
 - (a) Increase traffic hazards or congestion;
 - (b) Affect the character of surrounding commercial uses or adjacent residential uses or of the neighborhood;
 - (c) Increase fire hazards or make difficult access by fire and emergency vehicles;
 - (d) Tax public utilities; and
 - (e) Affect the general welfare of the community.

If the Commission's findings as to all suggestions referred to in Subparagraphs (a), (b), (c), (d), and (e) above are negative, then the modification may be granted. If affirmative as to any subject, then such modification shall be denied.

8. *Signs.* Refer to current sign ordinance of the City of Valley Park.

9. *Performance standards.*

- a. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
- b. Other standards as required in Article VI herein.
- c. *Structure construction materials in commercial district or planned commercial district.*

(1) No building shall be constructed or erected having the exterior walls constructed of a material other than brick or stone masonry or other material approved by the International Building Code (IBC) enforced by the City. In the event metal construction is used, the exterior walls of a building that is visible from any public right-of-way shall be constructed on site or pre-engineered to be consistent with one or more of the following materials: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; (g) stucco or EIFS; (h) architectural cement block; (i) tilt-up concrete shall appear as masonry units or stone; (j) alucobond or material of similar quality and durability).

(2) The provisions of this Section shall not apply in the erection or construction of the following:

- (a) Temporary one-story frame building for use by a builder, contractor, or developer;
- (b) Standard fences; and
- (c) Any one-story frame accessory structure or building, such as unattached garages or storage building, which do not exceed eight hundred (800) square

feet in area.

- (d) No reconstruction or addition to the original structure shall necessitate the use of masonry or faux masonry if not in keeping with original materials and character of the original or principal structure. (Ord. No. 916 §1, 4-4-88; Ord. No. 1841 §1, 10-4-10)

SECTION 405.165: "C-2" COMMERCIAL DISTRICT

- A. *Purpose.* This district is restricted to use in those portions of the City located south of the Meramec River. Given the high degree of visibility and ease of access via Interstate 44 and Missouri Highway 141, this sector of the City provides a unique opportunity for expansion and development of such highway oriented businesses as hotels and motels, large scale retail developments, restaurants and other similar businesses which serve local, regional and transient populations. This district has been located within the City to permit the development of these business activities, but in a portion of the City away from residential neighborhoods and subdivisions, area parks and recreation areas, schools and other institutional facilities. By limiting the types of commercial developments noted above to that portion of the City south of the Meramec River, the City is protecting residential and other less intense uses against encroachment by incompatible activities, and, at the same time, lessening congestion on public and neighborhood streets. To these ends, certain uses which would function more effectively in other districts and which would interfere with the operation of these business activities and the purpose of this district, have been excluded.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix "A" of this Title.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix "A" of this Title. See Article X for specific regulations pertaining to Motor Vehicle Oriented Businesses.
- D. *Regulations and Performance Standards.* The following regulations shall apply in all "C-2" Commercial Districts:
1. *Minimum site area.* Five (5) acres unless the project abuts an existing commercial, planned development commercial or industrial zone.
 2. *Minimum lot width.* One hundred fifty (150) feet at the property line.
 3. *Maximum lot coverage.* No limit.
 4. *Yard and setback requirements.*
 - a. *Front yard.* Not less than thirty (30) feet, including all signs, pump islands, and canopies of gasoline service stations.
 - b. *Side yard.* There shall be a side yard on each side of the building of not less than five (5) feet unless a smaller side yard shall be authorized by special permit from the Board of Aldermen.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 5. *Height requirements.* No building shall exceed ten (10) stories, nor shall it exceed one hundred (100) feet in height.
 6. *Off-street parking.* As required by Article VII.
 7. *Site plan review.* For all new construction, additions to existing structures, and expansion or improvements to parking areas, and as required by procedures outlined by Article IX.
 - a. *Site design requirements.*
 - (1) Any part of a lot area not used for buildings or other structures or for parking, loading, or access ways, shall be landscaped with grass, ground cover, trees,

shrubs, and pedestrian walks. A planting strip of ten (10) feet shall be provided and maintained within the required thirty (30) foot front yard. For all buildings, there shall be one (1) three (3) inch caliper tree existing or planted for every ten (10) parking spaces. Seventy-five percent (75%) shall be located within the paved area, and trees shall be spaced approximately fifty (50) feet on center across all front yards. Foundation plantings shall be planted and maintained along all exterior walls of all buildings at the ratio of one (1) plant material for every ten (10) lineal feet of exterior wall.

- (2) Sidewalks shall be provided along all street frontages between the front property line and the edge of the street paving or curb, the location to be approved by the Community Development Director.
- (4) All exterior lighting shall be erected so as to minimize any glare to abutting properties. All lighting shall be served with underground cable. All parking areas and walkways shall be illuminated so as to produce a uniform illumination of two (2) foot-candles within said areas.
- (5) *Access requirements.* All developed parcels shall be provided interior drives with a minimum width of pavement of twenty-four (24) feet. Driveway openings shall be limited to not more than thirty-six (36) feet in width and shall be limited to one (1) drive per one hundred (100) feet of lot width. All roads and drives shall be paved with hard surface material meeting specifications of the City of Valley Park. Curb and gutters shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with curb and gutter. Surface or underground storm drainage facilities shall be provided for all roads, drives, and parking areas as approved by the Community Development Director. All storm drainage will be directed into established surface or underground storm drainage facilities.
 - (a) *Modifications of above referenced site design requirements.*
 - (i) The Planning and Zoning Commission may recommend for aldermanic approval modifications of the requirements of above referenced site design requirements of this Subsection, the strict enforcement of which would entail unusual or real difficulties in carrying out the intent of this Section.
 - (ii) Before any modification of this Section can be granted, the Commission shall determine whether such modification will:
 - (a) Increase traffic hazards or congestion;
 - (b) Affect the character of surrounding commercial uses;
 - (c) Increase fire hazards or make difficult access by fire and emergency vehicles;
 - (d) Tax public utilities; and
 - (e) Affect the general welfare of the community.

If the Commission's findings as to all suggestions referred to in Subparagraphs (a), (b), (c), (d), and (e) above are negative, then the modification may be granted. If affirmative as to any subject, then such modification shall be denied.

8. *Signs.* Refer to current sign ordinance of the City of Valley Park.
9. *Performance standards.*
 - a. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
 - b. Other standards as required in Article VI herein.
 - c. *Structure construction materials in commercial district or planned commercial*

district.

- (1) No building shall be constructed or erected having the exterior walls constructed of a material other than brick or stone masonry or other material approved by the International Building Code (IBC) enforced by the City. In the event metal construction is used, the exterior walls of a building that is visible from any public right-of-way shall be constructed on site or pre-engineered to be consistent with one or more of the following materials: (a) brick; (b) brick veneer; (c) natural stone; (d) marble; (e) granite; (f) glass; (g) stucco or EIFS; (h) architectural cement block; (i) tilt-up concrete shall appear as masonry units or stone; (j) alucobond or material of similar quality and durability).
- (2) The provisions of this Section shall not apply in the erection or construction of the following:
 - (a) Temporary one-story frame building for use by a builder, contractor, or developer;
 - (b) Standard fences; and
 - (c) Any one-story frame accessory structure or building, such as unattached garages or storage building, which do not exceed eight hundred (800) square feet in area.

SECTION 405.170: "I-1" LIGHT INDUSTRIAL DISTRICT

- A. *Purpose.* This district is composed of the area of the City whose principal use is or ought to be light manufacturing, warehousing, and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter. This district has been located within the City to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.
- B. *Permitted Uses.* The listing of permitted uses is set out in Appendix "A" of this Title.
- C. *Conditional Uses.* The listing of conditional uses is set out in Appendix "A" of this Title. See Article X for specific regulations pertaining to motor vehicle oriented businesses.
- D. *Regulations and Performance Standards.* The following regulations shall apply in all "I-1" Light Industrial Districts:
 1. *Site area.* Five (5) acres minimum unless the proposed project abuts an existing industrial zone.
 2. *Lot width.* The minimum lot width shall be seventy-five (75) feet.
 3. *Lot coverage.* The maximum lot coverage by structures shall not exceed eighty percent (80%).
 4. *Yard requirements.*
 - a. *Front yard.* Not less than thirty (30) feet from public right-of-way or edge of pavement of a private street.
 - b. *Side yards.* Least width of either yard shall not be less than five (5) feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty (30) feet.
 - c. *Rear yards.* No rear yard shall be required, except where the property abuts on a

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- residential district or development, in which case there shall be a rear yard of not less than twenty-five (25) feet.
5. *Height requirements.* Except as otherwise provided in Article IX of this Chapter, no building or structure should exceed a height of forty-five (45) feet or three (3) stories.
 6. *Landscaping and screening.* Where a side or rear lot line coincides with a side or rear lot line of any lot in an adjacent residential district or development, then a landscaped yard of at least twenty-five (25) feet in depth shall be provided along such a lot. In addition, for any use which involves the construction of a new structure or the expansion of an existing structure, a sightproof fence at least six (6) feet, but not more than eight (8) feet in height shall be provided in such transitional yard within two (2) feet of the property line. See Article VII.
 7. *Utilities.* Any area zoned "I-1" Light Industrial District shall be served by approved public water and sewer facilities prior to development.
 8. *Off-street parking.* As required in Article VII.
 9. *Site plan review.* Prior to issuance of a building permit as required in Article IX.
 10. *Performance standards.*
 - a. All industrial operations shall be conducted within a fully enclosed building.
 - b. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick or decorative masonry walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at the grade of the nearest adjacent street, or at the nearest property lines.
 - c. *Other performance standards.* See Article VI.
 - d. *Structure construction materials in light industrial district or planned industrial district.*
 - (1) No building shall be constructed or erected having the exterior walls constructed of a material other than brick or stone masonry or other material approved by the International Building Code (IBC) enforced by the City. In the event metal construction is used, a minimum of forty-eight (48) inches of the exterior facade on all elevations shall be faced with brick or stone masonry.
 - (2) The provisions of this Section shall not apply in the erection or construction of the following:
 - (a) Temporary one-story frame building for use by a builder, contractor, or developer;
 - (b) Standard fences; and
 - (c) Any one-story frame accessory structure or building, such as unattached garages or storage building, which do not exceed eight hundred (800) square feet in area.
 - (d) No reconstruction or addition to the original structure shall necessitate the use of masonry or faux masonry if not in keeping with original materials and character of the original or principal structure. (Ord. No. 916 §1, 4-4-88; Ord. No. 1841 §2, 10-4-10)

SECTION 405.180: "PD" PLANNED DEVELOPMENT DISTRICT**A. Intent and Purpose.**

1. The purpose of the Planned Development District is to provide a means of achieving greater flexibility in development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development.
2. The Board of Aldermen, upon recommendation by the Planning and Zoning Commission, may, by ordinance adopted in the same manner as zoning districts are created, authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The standards contained in the following provisions must be strictly adhered to by the applicant.
3. The City may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one (1) or more of the following objectives:
 - a. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
 - b. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
 - c. Functional and beneficial uses of open space areas.
 - d. Preservation of natural features of a development site.
 - e. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
 - f. Rational and economic development in relation to public services.
 - g. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. Relationship of Planned Development Districts to Zoning Map.

1. *A mapped district.* The "PD" designation is not intended to be attached to existing use districts as an overlay. The "PD" designation as detailed in this Section is a separate use district and may be attached to one or more parcels of land through the process of zoning map amendment. Each "PD" district shall be approved by an ordinance that establishes the district clearly delineating the parcels involved, the required development plan, and any conditions or requirements attached thereto as provided for in district regulations set forth below.
2. *Plan approval required.* Although the "PD" designation may be applied to parcels of land as a mapped zoning district, it is the intent of the ordinance that no development or redevelopment of the property encompassed by the "PD" designation take place until an acceptable development plan has been reviewed and approved. The review process of a development plan requires a public hearing before the Planning and Zoning Commission and adoption of an ordinance by the Board of Aldermen. The said ordinance shall establish uses and conditions which must be met in accordance with Subsection (B)(3)(c).

In those areas annexed by the City since the adoption of this ordinance (Ord. No. 916§1,4-4-88) and designated as "PD" prior to the adoption of this ordinance, such zoning designations will be incorporated as though they were approved by the City.

3. *Types of planned developments.* All areas of the City subject to the "PD" designation shall be assigned one (1) of the following subclassifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this Section.
 - a. *Planned development--residential ("PD-R").* Planned developments involving residential uses only.
 - b. *Planned development--commercial ("PD-C").* Planned developments involving commercial uses only.
 - c. *Planned development--industrial ("PD-I").* Planned developments involving industrial uses only.
 - d. *Mixed use developments ("MXD").* Planned developments involving a mixture of residential and non-residential uses.

These subclassifications may be designated by the City at the time of the original zoning of the parcel in question, or the City may make the designation at the time of development plan application. In the instance of a request for zoning map amendment, the applicant may request a specific subclassification; however, it shall be at the discretion of the City, in light of the recommendations of the City's Comprehensive Plan, as well as the surrounding neighborhood to grant the requested subclassification or require a more restrictive one.

C. *Procedures for Planned Development Approval.*

1. *Pre-application procedure.* Not more than six (6) months prior to filing any application for planned development approval the prospective applicant shall request a pre-application conference with the Community Development Director. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request the City planning staff shall schedule within ten (10) days such a conference.
2. *Preliminary development plan.* A preliminary development plan shall be submitted to the Planning and Zoning Commission with the application for a planned development. A final development plan, including the requirements of a preliminary plan, may be submitted as a single application when the development will be constructed as a single phase. The preliminary plan shall contain the following information:
 - a. The location and general design (width and materials) of all driveways, curb cuts and sidewalks including connections to building entrances; as well as the location and nature of construction of all curb and guttering.
 - b. The location, area and number of proposed parking spaces.
 - c. Existing and proposed grades at an interval of five (5) feet or less, extended beyond the project site to include adjacent properties and structures.
 - d. The location and general type of all existing trees over six (6) inch caliper and, in addition, an indication of those to be retained.
 - e. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.).
 - f. The location of all retaining walls, fences (including privacy fences, etc.) and earth berms.

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- g. The definition and location of all refuse collection facilities including screening to be provided.
 - h. Provisions for both on- and off-site stormwater drainage and detention related to the proposed development.
 - i. The limits of the 100-year flood plain boundary and floodway designations as they impact the site.
 - j. *Architectural elevations.* Architectural elevations of proposed buildings shall be provided at a reasonable scale (may be required by the Planning and Zoning Commission).
 - k. *Project data.*
 - (1) Site area (square feet and acres).
 - (2) Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreational area, landscaped areas and others.
 - (3) Total dwelling units and floor area distributed by general type (one (1) bedroom, two (2) bedroom, etc.).
 - (4) Floor area in non-residential use by category.
 - (5) Residential density distribution for the entire project.
 - (6) (a) Calculations of parking spaces and area in relation to dwelling units and non-residential floor area.
 - (b) The scale of the drawing or drawings indicating the above shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than one (1) inch equals fifty (50) feet. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, a scale, or north arrow, and the date drawn.
 - (c) The applicant may be required to provide, at applicant's expense, additional clarification and/or further detail of the preliminary plan, as deemed necessary by the Planning and Zoning Commission. The applicant shall send notices to owners of record of all properties within three hundred (300) feet of the parcel included in the application, proof of mailings to show posting at least seven (7) days prior to the public hearing.
 - l. *Project report.* A brief project report shall be provided to include explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the Planning and Zoning Commission and/or City Board of Aldermen, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc., of the proposed development at the applicant's expense.
 - m. *Phased development.* If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 - (1) The approximate date when construction of the project can be expected to begin;
 - (2) The order in which the phases of the project will be built;
 - (3) The minimum area and the approximate location of common open space and public improvements that will be required at each stage; and
 - (4) If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or

density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided.

3. *Review procedure.*

- a. An application together with a complete preliminary development plan, including information as required in Section 405.180, shall be considered at a public hearing to be held before the Planning and Zoning Commission meeting. The applicant shall send notices to owners of record of all properties within three hundred (300) feet of the parcel included in the application. Said notices shall be sent by certified mail and postmarked not less than seven (7) days prior to the public hearing. Proof of certified mailing must be submitted to the Chairman of the Planning and Zoning Commission.
- b. *Staff review.* The Community Development Director shall coordinate a review of the application by appropriate affected City departments and/or consultants.
- c. After consideration of the application and staff report, the Planning and Zoning Commission shall make a report to the Board of Aldermen regarding the impacts of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general public health, safety and welfare of the City of Valley Park. The findings and recommendation of the Commission shall be transmitted to the Board of Aldermen. If the Commission's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the Commission with respect to the preliminary development plan.
- d. The Board of Aldermen shall hold a public hearing thereon upon at least fifteen (15) days' public notice. If the preliminary development plan is approved by the Board of Aldermen, it shall adopt an ordinance approving said preliminary development plan with conditions as specified therein which shall become effective on approval by the Planning and Zoning Commission of the final development plan. In those instances where the application involves a rezoning from a standard zoning district to a planned district designation, approval of the preliminary development plan shall constitute approval of the rezoning request. The ordinance approving the preliminary development plan shall include the change in zoning designation as well as the specified conditions attached to approval of the plan as previously discussed. A three-fourths ($\frac{3}{4}$) vote of the Board of Aldermen shall be required to overrule the Planning and Zoning Commission's recommendations.
- e. The approval of a preliminary plan shall be valid for a period of nine (9) months from the date of its approval by the Board of Aldermen. The Planning and Zoning Commission may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially approved application; however, the Planning and Zoning Commission has the power in such cases to attach new conditions to the approval. At such time as the period of validity of an approved preliminary development plan lapses and no development has taken place, the site shall revert back to its previous land use status prior to approval of the preliminary development plan.
- f. Should a request for extension of an approved preliminary development plan contain substantial changes, as determined by the Planning and Zoning Commission, the Commission shall require the applicant to refile his/her application subject to the requirements of this Section, as if it were an entirely new application.

4. *Final plan.* Within nine (9) months following passage of the ordinance approving the preliminary development plan, but at least twenty-one (21) days before the next regularly scheduled meeting of the Planning and Zoning Commission, the petitioner shall submit a final development plan to the Planning and Zoning Commission for its review and consideration to determine if said final development plan is in conformance with the approved preliminary development plan and with the imposed conditions of approval. The final development plan shall reflect the entire planned development if it is to be completed in one (1) phase, or a phase of the planned development if it consists of more than one (1) phase. The matters shown on the preliminary development plan shall include the following:
 - a. The existing and proposed contours at two (2) foot intervals and land profile in cross sections.
 - b. The landscape plan with the specific location of all plant material, specifying size, species and location (both as to the buffer area around the perimeter as well as that in the parking lot). To be in color with plant legend. One (1) copy for the Board of Aldermen and one (1) copy for the Planning and Zoning Commission.
 - c. Nature of use, as single-family, condominium, or multi-family and/or commercial or manufacturing uses.
 - d. All structures, present and future, specifying location, size, elevation and design, none of which may deviate substantially from the approved preliminary development plan.
 - e. Sidewalks.
 - f. Parking spaces, including underground parking and moving traffic lanes.
 - g. Method of disposal of trash and garbage.
 - h. Ingress and egress facilities.
 - i. Parking facilities for visitors.
 - j. Plan for the provision of water and sanitary and stormwater drainage facilities.
 - k. All easements and dedications.
 - l. Any signs, location and size.
 - m. Details of lighting of parking lots and outside of buildings, including location, type and intensity.
 - n. All other information which the Planning and Zoning Commission and the Board of Aldermen may designate.
5. *Review procedure.*
 - a. An application with a complete final development plan, conforming to the requirements of Section 405.180, shall be submitted to the Community Development Director for review and approval. If the Community Development Director finds that the final development plan conforms to the approved preliminary development plan, he/she shall approve it, send written notice of the approval to the Planning and Zoning Commission, and transmit the plan to the Planning and Zoning Commission Chairman for his/her signature. If the Community Development Director finds that the final development plan does not conform to the approved preliminary plan, he/she shall deny the final development plan and return it to the applicant with a written response concerning the reasons for denial. The applicant shall have thirty (30) days in which to file a written appeal of the denial to the Planning and Zoning Commission.
 - b. Upon appeal, and after consideration of the application and staff report, the Planning and Zoning Commission shall approve, approve with conditions, or deny the final development plan. The final development plan shall conform to the preliminary

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- development plan. If the final development plan does not conform to the preliminary development plan, or if the conditions of the preliminary development plan approval are not adequately met, the final development plan shall not be approved.
- c. Upon approval of the final development plan by either the Community Development Director or the Planning and Zoning Commission upon appeal, the final development plan shall be transmitted to the Board of Aldermen for their information.
 - d. Within sixty (60) days following approval of the final development plan by the Planning and Zoning Commission, it shall be recorded at the applicant's expense with the St. Louis County Recorder of Deeds, and a reproducible mylar of such recorded plan furnished to the Community Development Director.
 - e. The listing of uses which may be permitted by recommendation of the Planning and Zoning Commission and approved by the Board of Aldermen is contained in Appendix A.
 - f. Any bonds required to insure completion of required improvements or open spaces shall be completed and in place prior to issuing any building permits.
- D. *Permitted Uses.* The listing of permitted uses within each "PD" subclassification shall be listed in Appendix A.
- E. *Area Regulations and Performance Standards.* The area regulations and performance standards applicable to the individual uses within each planned development by designated subclassification shall be as follows:
1. *Subclassification*

Planned Development--Residential	<i>Requirement</i> Sections 405.130--405.150
Planned Development--Commercial	Section 405.160
Planned Development--Industrial	Section 405.170
Mixed Use Development	All the above as deemed appropriate by the Planning and Zoning Commission.
 2. *Modifications.* The approval of the preliminary development plan may provide for such exceptions from the above-referenced regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this Section and have been specifically requested in the application for a planned development; and further, that no modification of the above- referenced regulations would be allowed when such proposed modifications would result in:
 - a. Inadequate or unsafe access to the planned development.
 - b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity.
 - c. An undue burden on public parks, recreation areas, schools, fire and Police protection and other public facilities which serve or are proposed to serve the planned development.
 - d. A development which will be incompatible with the purposes of this Chapter.
 - e. Detrimental impact on the surrounding area including, but not limited to, visual pollution.

The burden of proof that the criteria above are not being violated shall rest with the developer and not the staff or the Planning and Zoning Commission.
 3. *Overall development site size.*
 - a. In addition to the requirements as outlined above for individual uses within a Planned

Development District, the minimum overall site size required for such a planned development as a whole shall be as follows:

Planned Development--Residential	2.5 acres (may be smaller)
Planned Development--Commercial	2.5 acres (may be smaller)
Planned Redevelopment--Industrial	2.5 acres (may be smaller)

- b. Provided however, that this minimum site size may be waived by the City Board of Aldermen upon recommendation by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wet lands, flood plain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable and necessary in relationship to the surrounding neighborhood; or, if the Board of Aldermen should determine such waiver to be in the general public interest.
 - c. Approval of the waiver by the City Board of Aldermen shall be by simple majority vote. However, in those instances where the Planning and Zoning Commission recommends denial of the request, a three-fourths ($\frac{3}{4}$) majority vote of the entire City Board of Aldermen shall be required to reverse the recommendation of the Planning and Zoning Commission.
- F. *Period of Validity.* The period of validity of approval of a final development plan is as follows:
- 1. No approval of a final development plan shall be valid for a period longer than twelve (12) months from the date of approval by the Community Development Director, or the Planning and Zoning Commission, if on appeal unless within such period a building permit is obtained and construction is commenced. One (1) month prior to the expiration of the approval, the Community Development Director shall notify the applicant in writing of the impending expiration date.
 - 2. The Planning and Zoning Commission may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially approved application. However, the Planning and Zoning Commission has the power in such cases to attach new conditions to the approval. At such time as the period of validity of an approved final development plan lapses, the site shall revert back to its previous status prior to approval of the final development plan, if no development has taken place.
 - 3. Should a request for extension of an approved final development plan contain substantial changes, as determined by the Commission, the Planning and Zoning Commission shall require the applicant to refile his/her application subject to the requirements of this Section as if it were an entirely new application. (Ord. No. 891, 9-16-87; Ord. No. 1489 §1, 2-7-00; Ord. No. 1702 §1, 4-3-06)

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 405.190: PURPOSE

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Chapter. These general regulations supplement and qualify the district regulations appearing elsewhere in this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.200: HEIGHT EXCEPTIONS

- A. *Public and Semi-Public Buildings.* In any district, public or semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, there permitted, may be erected to a height not exceeding forty (40) feet, provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- B. *Structural Projections.* Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen percent (15%), except as indicated below.
1. Structural projections exceeding the above height limitations shall be considered as conditional uses and shall be processed in accordance with Article X of this Chapter, except in no event shall a radio aerial or television antenna support extend more than twenty-five (25) feet above the ridge of a roof in any residential district.
- C. *Height of Dwellings.* Residential structures in the dwelling districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height. (Ord. No. 916 §1, 4-4-88)

SECTION 405.210: YARD AND SETBACK EXCEPTIONS

- A. *Commercial/Industrial Front Yards.* In "C-1", "C-2" and "I-1" District, where buildings located in the same block on the same side of a street have provided front yards of greater depth than herein required, the Planning and Zoning Commission may require a similar setback for buildings or structures constructed thereafter.
- B. *Determination of Setbacks.* In measuring a yard, the minimum horizontal distance between the proposed right-of-way line and the main building shall be used. The required setback line shall be measured from the proposed right-of-way line or shall be determined by the Community Development Director.
- C. *Structural Projections.* Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves, provided however, that none of the above projections shall extend into a minimum yard more than thirty (30) inches; and provided further, that canopies or open porches may project a maximum of ten (10) feet into the required front or rear yard, and existing open porches extending into the required yard shall not be enclosed. Mechanical units are specifically excluded from this exception, whether attached or detached.
- D. *Fire Escapes/Balconies.* An open fire escape may project into a required side yard not more than half (½) the width of such yard, but not more than five (5) feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into a required rear yard.
- E. *Accessory Buildings and Structures.* (See Section 405.240 -- Accessory Buildings and Structures.)

- F. *Sight Triangle.* On a corner lot in any district, development shall conform to the requirements of the sight triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points thirty (30) feet from their point of intersection or at equivalent points on private streets, except that the site triangle shall be increased for certain uses when deemed necessary for traffic safety by the Community Development Director.
- G. *Fences.* Not more than six (6) feet in height in side and rear yards permitted, and no fence shall be permitted to extend beyond the front building line, except a decorative fence three (3) feet or less and must be at least sixty percent (60%) open.
- H. *Commercial/Industrial Rear Yards.* No rear yard shall be required in Districts "C-1", "C-2" and "I-1" or any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway right-of-way or which has a rear railway track connection.
- I. *Through Lots.* A through lot having one (1) end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- J. *Roof Overhangs.* Roof overhangs may project not to exceed eighteen (18) inches, except that roof overhangs on the south side of a building may project forty-eight (48) inches into a side or rear yard, but no closer than forty-eight (48) inches to a property line.
- K. *Canopy Overhangs.* Canopy overhangs for service stations may project a maximum of eighteen (18) inches into required front yards.
- L. *Porches.* Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet. (Ord. No. 916 §1, 4-4-88)

SECTION 405.220: AREA REGULATIONS -- MAXIMUM LOT COVERAGE CALCULATION

In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements. (Ord. No. 916 §1, 4-4-88)

SECTION 405.230: ACCESS REGULATIONS

- A. *Access to Business and Industrial Districts.* No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district, provided however, that this Section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a planned district development.
- B. *Street Access.* All lots shall abut a street other than an alley for a width of at least thirty-five (35) feet. (Ord. No. 916 §1, 4-4-88)

SECTION 405.240: ACCESSORY BUILDINGS AND STRUCTURES

No accessory building or structure shall be used prior to the principal building or use, except as a construction facility for the principal building. An accessory building or structure attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Chapter. Accessory buildings or structures, except garages, must be located in the rear yard of a lot and must conform to all provisions of this Chapter. On a corner lot, all accessory buildings or structures (except garages) and recreational vehicle pads must be located in the rear yard of a lot on the interior side.

1. *Attached accessory buildings.* Any accessory building which is structurally attached to the principal building of a lot shall be considered part of the principal building and shall comply with all provisions of this Chapter pertaining thereto.
2. *Detached accessory buildings and structures.*
 - a. *Height.* In any district, a detached accessory building or structure shall not exceed fifteen (15) feet in height and shall not be higher than the main building.
 - b. *Yard and area requirements.* No detached accessory building or structure, except garages, shall be erected in any required front or side yard. Detached accessory buildings may be located in the rear yard but shall not occupy more than thirty percent (30%) of the rear yard area. No detached building or structure may be erected closer than five (5) feet to the rear lot line nor closer to the side lot line than the required minimum side yard setback of the district. In no case shall any accessory structure be located in a required transition strip. No detached accessory structure shall exceed sixty percent (60%) of the first (1st) floor space of the principal building.
 - c. *Erection and use.* No accessory building shall be constructed upon a lot until the construction of the main building has been commenced. No accessory building shall be used for dwelling purposes, but such accessory building may be temporarily used for storage purposes. The exterior architectural elevations of the new accessory structure must match the exterior architectural elevations of the principal structure provided that any such structure shall have concrete footings, concrete foundations and concrete flooring. (Ord. No. 916 §1, 4-4-88; Ord. No. 1543 §§1--3, 9-17-01)

SECTION 405.250: HOME OCCUPATIONS

- A. *Restrictions and Limitations.* Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this Section.
1. Home occupations shall be operated entirely from an enclosed structure and shall not occupy more than fifteen percent (15%) of the total floor area of the main residential building, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants.
 2. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence, or other visible evidence of conduct of the home occupation.
 3. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
 4. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence.
 5. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuation in line voltage beyond the property line of the lot upon

which the home occupation is conducted.

6. No generation of parking beyond that required for normal occupation of the residence.
7. A home occupation permit shall be issued only to the individual occupying a dwelling as his/her residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner. (Ord. No. 916 §1, 4-4-88)

SECTION 405.260: TEMPORARY USES

A. *Temporary Use Permit.* The Community Development Director is authorized to issue a permit for a temporary use within any zoning district upon approval by the Board of Aldermen provided it meets the requirements of this Section. The permit shall be issued for a specified period of time and shall contain health, safety and traffic regulations and the Board of Aldermen may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

B. *Temporary Uses Permitted.*

1. *Christmas tree sales.* Christmas tree sales in any business or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required yard setback for any district by more than fifty percent (50%) and no display or equipment shall be located within the thirty (30) foot sight triangle of a street intersection as defined in this Chapter.
2. *Contractor's offices.* Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of said tract, provided, that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development after revocation of building permits, or on order by the Community Development Director upon a finding by him/her that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand dollars (\$1,000.00) for their removal shall be posted with the City of Valley Park.
3. *Real estate offices.* Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building. Said offices must be closed and the operation discontinued and all temporary structures and facilities must be removed from the tract:
 - a. Within thirty (30) days after all lots or dwelling units have been sold, rented, or leased; or
 - b. After the passage of thirty (30) days from the date of the last transaction after ninety percent (90%) of the development has been sold, rented, or leased. A bond in the amount of one thousand dollars (\$1,000.00) guaranteeing removal of any such temporary structure or facility shall be posed with the City of Valley Park prior to commencement of use.
4. *Seasonal sales.* Seasonal sale of farm produce grown on the premises, in an "R-1" District. Structures incidental to such sale need not comply with the applicable front yard requirements, provided, that no such structure shall be located within the thirty (30) foot sight triangle of a street intersection as defined in this Chapter. All such structures shall be removed or moved back of the street setback line at the end of the season during which they are used.

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5. *Carnivals and circuses.* A carnival or circus in conjunction with and sponsored by a church or non-profit organization for a period that does not exceed four (4) consecutive days. Such use need not comply with the applicable yard setback requirements, provided, that no structures or equipment shall encroach within the required yard setback for the district in which it is located by more than fifty percent (50%) and no structure or equipment shall be located within the thirty (30) foot sight triangle of a street intersection as defined in Section 405.210(F) of this Chapter.
- C. *Temporary Dwelling Structures.* No cabin, garage, cellar, basement, or temporary structure whether of a fixed or moveable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purposes whatsoever for any length of time whatsoever. (Ord. No. 916 §1, 4-4-88)

SECTION 405.270: LAND AND BUILDINGS**A. *Number of Buildings Permitted Per Lot.***

1. Every single-family dwelling hereafter erected or structurally altered shall be located on a separate lot or tract. In no case shall there be more than one (1) single-family dwelling on one (1) lot or tract except for accessory buildings or uses, as defined herein, and except for any structure authorized as part of a special procedure requiring submission to the Planning Commission of any type of site development plan for review and approval.
2. No accessory land use or development shall be established until a primary structure or use is established on the same lot. No accessory land use or development shall be allowed to continue after termination of the primary use or development on a lot.

B. *Approved Lots.* Every building or complex of buildings erected or structurally altered after the effective date of this Chapter shall be located on a lot that meets the requirements of both this Chapter and the City of Valley Park subdivision regulations. The open space requirements for the district in which each lot is located must likewise be met.**C. *Conversion or Change in Occupancy of a Single-Family Dwelling.*** In any district permitting uses other than single-family dwellings, single-family dwellings shall not be converted to another use without first obtaining a certificate of occupancy. No application for a building permit and/or a certificate of occupancy for such a conversion of a single-family residence shall be approved unless accompanied by a detailed site plan, as provided in Article IX, including a floor plan, showing full compliance with all other applicable regulations of this Chapter.**D. *Minimum Lot Size.*** Land dedicated to street right-of-way shall not be included in computing minimum lot area for the purposes of this Chapter. However, if through dedication of street right-of-way, the area of any lot or parcel already established via the provisions of the subdivision regulations is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.**E. *Vacated Streets.*** Whenever any street, alley or other public way property is vacated, the zoning districts adjoining each side of such street, alley, or other public way or property shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts. (Ord. No. 916 §1, 4-4-88)

ARTICLE VI. ENVIRONMENTAL PERFORMANCE STANDARDS

SECTION 405.280: SCOPE OF PROVISIONS

Every use, activity, process or operation located or occurring in the City of Valley Park shall comply with the Environmental Performance Standards prescribed in this Article, and no such existing use, activity, process or operation shall be hereafter altered or modified so as to conflict with, or further conflict with, such Environmental Performance Standards. If, as of the date of adoption of this Chapter, the operations of any lawful existing use violates these Environmental Performance Standards, such operations shall not be varied or changed in any way as to increase the degree of such violation. The operation of any existing conforming use in violation of the Environmental Performance Standards shall not in itself make such use subject to Article VIII, Non-Conforming Uses. (Ord. No. 916 §1, 4-4-88)

SECTION 405.290: ADMINISTRATION AND ENFORCEMENT

- A. Whenever, in the opinion of the Building Commissioner, there is a reasonable probability that any use or occupancy violates these Environmental Performance Standards, he/she shall give written notice of at least seven (7) days' duration that said use or occupancy must be corrected. In case of an emergency he/she may take immediate action deemed appropriate to correct the violations. He/she is hereby authorized to employ a qualified technician or technicians to perform whatever investigations and analyses as are necessary to determine whether or not they are in fact being violated.
- B. In the event that a violation is found to exist, the violator shall be liable for the reasonable fee of the technicians employed to perform such investigations and analysis. Such fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in Section 405.680 of this Chapter.
- C. If a complaint is received regarding an alleged violation of any of the provisions of this Article and the Building Commissioner does not believe that there is a reasonable probability that such a violation actually exists, the Building Commissioner may, as a condition precedent to further investigation, require that the complainant post an escrow deposit in the amount of two hundred dollars (\$200.00) to defray the cost of employing a qualified technician or technicians to perform such investigation and analyses as may be necessary to determine whether or not such violation exists.
 1. In the event that the complaint is substantiated, the escrow deposit shall be refunded to the depositor, and the reasonable fees associated with the investigation and analyses shall be recovered in the manner provided above.
 2. If the complaint proves unfounded, such fee shall be paid from the complainant's escrow deposit. Any remainder of such deposit shall be refunded to the complainant upon completion of the investigation. (Ord. No. 916 §1, 4-4-88)

SECTION 405.300: PERFORMANCE STANDARDS

- A. *Vibration.* Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located, except that vibration caused by blasting conducted in accordance with the

requirements of the Explosives Code, Chapter 711 SLCRO, may exceed these limitations.

- B. *Noise.* Every use shall be so operated that the pressure level of sound or noise generated does not exceed the limitations of the Noise Control Code, Chapter 625 SLCRO.
- C. *Odor.* Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the Air Pollution Code, Chapter 612 SLCRO.
- D. *Smoke.* Every use shall be so operated that no smoke from any source shall be emitted that exceeds the emission levels in the requirements of the Air Pollution Code, Chapter 612 SLCRO.
- E. *Toxic Gases.* Every use shall be so operated that there is no emission of toxic, noxious, or corrosive fumes or gases which exceed the emission levels of the Air Pollution Code, Chapter 612 SLCRO.
- F. *Emission of Dirt, Dust, Fly Ash, and Other Forms of Particulate Matter.* The emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed the emission levels in the requirements of the Air Pollution Code, Chapter 612 SLCRO.
- G. *Radiation.* Every use shall be so operated that there is no dangerous amount of radioactive emissions.
- H. *Glare and Heat.* Any operation producing intense glare or heat shall be performed in an enclosure in such manner as to be imperceptible along any lot line without instruments.
- I. *Fire and Explosion Hazard.*
 - 1. The storage or utilization of solid materials ranging from incombustible to moderate burning is permitted.
 - 2. The storage or utilization of solid materials ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 - a. The materials shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - b. All such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - c. Such materials, if stored outdoors, shall be no closer than one hundred fifty (150) feet to the nearest lot line or in conformance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - 3. The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors or corrosive liquids or solids shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks and storage of finished products in original sealed containers:
 - a. Such materials or products shall be stored or utilized within completely enclosed buildings having incombustible exterior walls and handled in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors, and, in addition, all such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - b. The above ground storage of flammable liquids is prohibited.
 - c. The total of all flammable liquids permitted above ground on any tract shall not exceed five thousand (5,000) gallons exclusive of storage of underground facilities. (Ord.

No. 916 §1, 4-4-88)**SECTION 405.305: SITE LIGHTING STANDARDS**

This section contains the performance standards and regulations pertaining to site lighting for development.

- A. *Scope of Lighting Provisions.* The following regulations shall apply to all uses and to all development, including new developments, amendment of an approved Site Plan, amendment of a special permit use, or any lighting change to an existing development, involving new fixtures, standards, heads or luminaries. The goal of these lighting provisions is to permit outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce; however, minimizing adverse offsite impacts of lighting to adjacent properties, curtailing light pollution, reducing Sky Glow, and conserving energy and resources to the greatest extent possible.
- B. *General Standards:*
1. Site lighting shall include all lighting on property, other than lighting within a fully enclosed building, provided that site lighting shall include interior lighting when used as accent lighting, as provided in subsection (B) (7) of these regulations.
 2. Site lighting fixtures shall be compatible with the building design and the adjoining landscape and shall not be used in such a manner as to the turn the building itself into “signage”.
 3. Excessive brightness of site lighting shall be avoided. The use of energy-efficient lighting such as light-emitting diode (LED) and/or compact fluorescent lamp (CFL) bulbs to maximize the efficiency of wattage used is strongly encouraged. The use of seasonally varied timing schedules and optical proximity sensors to reduce energy use is recommended.
 4. Site lighting shall not spill over to adjacent sites or properties, create glare which is directed toward or reflected onto adjoining properties, or create glare which is directed toward or reflected onto streets, or interior drives where such glare could negatively impact vehicular or pedestrian safety.
 5. Except as may be provided elsewhere in this section, site lighting shall at no time be directed upward, in a radiating and/or moving or sweeping pattern, or at any angle which will light surfaces other than building walls, parking or pedestrian areas, and landscaped areas, and shall not create lighting patterns which will direct light toward residential areas.
 6. All outdoor luminaires shall be Fully Shielded, with the exception of one partly shielded or unshielded luminaire at the main entry of a residence, not exceeding 630 lumens.
 7. The use of neon tubing of any color is only permitted as part of trade dressing on the exterior of a building as described in an approved Site Plan.
 9. At the time of filing any application for any use, development, amendment or change as set out in subsection (a) hereof, a lighting plan for site lighting shall be provided on a separate sheet. The following information shall be submitted as part of the lighting plan:
 - i. Manufacturer’s catalog cut sheet or other graphic and narrative description of the light standards, fixture heads, and/or luminaries with specification data.
 - ii. Photometric curves indicating both vertical and horizontal candle-power distribution.
 - iii. A plan of the site superimposed with a grid of not more than twenty (20) feet between light sources showing the calculated foot-candle levels at average site grade at the center of each twenty (20) foot grid.

10. All site lighting shall be installed utilizing underground cable.
11. Notwithstanding anything to the contrary herein, lighting in connection with temporary display and promotion of events may be approved by the Community Development Director or his or her duly designated representative in the manner as otherwise provided for in the City's Municipal Code.

C. *Illumination standards:*

1. Except as otherwise provided in the following provisions of this section, all parking and loading areas and walkways shall be illuminated so as to produce a uniform minimum average illumination within such areas of two (2) foot-candles of illumination, measured at the ground level.
2. In non-Industrial areas lighting fixtures or standards shall be fully shielded luminaires no higher than thirty-five (35) feet with a maximum average illumination of the property, measured at ground level over the site, of ten (10) foot-candles and shall be of a flat lens design, not a drop down lens design.
3. In Industrial areas, lighting standards for parking, loading, and staging areas shall be in accordance with a lighting plan approved by the City, but in no event shall a fixture exceed sixty (60) feet in height.
4. Except as may be otherwise approved by the Community Development Director and/or the city's designated representative, where parking and loading areas are adjacent to residential areas, the maximum average illumination of the area between the nearest building wall line and the property line abutting a residential areas shall be one (1) foot-candle measured at ground level over the site, provided that at the property line abutting a residential area, the maximum illumination of the property shall be no higher than one-tenth (0.1) foot-candle.
5. Where parking or loading areas abut residential property, the fixture head shall be of an appropriate type which controls the lighting pattern and shield such residential property from direct view of the light source. In order to achieve this end, reflector shields may be required for fixture heads.
6. All light standards, whether on internal drives and parking areas or public right-of-ways shall be of similar design as approved in the larger overall (concept) approved Site Plan.

D. *Definitions.* Refer to SECTION 405.050: **DEFINITIONS.**

SECTION 405.310: FUTURE REVISIONS

Any addition, modification or change in any regulations, Code, ordinance or other standard referred to in the Performance Standard Regulations shall become a part of these regulations. (Ord. No. 916 §1, 4-4-88)

ARTICLE VII. OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 405.320: APPLICABILITY

For every use, activity or structure permitted by this Chapter and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity or place of residence at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion in combination with the previously existing uses, structure or activity. (Ord. No. 916 §1, 4-4-88)

SECTION 405.330: SITE PLAN REQUIRED

- A. Every building permit application for a new, enlarged, or remodeled building, structure, or use other than a single-family residence shall include therewith a parking site and landscape plan. In addition, such parking site and landscape plan requirements shall also apply to new, enlarged, or remodeled parking facilities serving existing buildings, structures, or uses. Application for approved of such a plan shall include for review and approval by the Planning and Zoning Commission any and all existing parking facilities currently serving said buildings, structures and uses for conformity with these regulations as well.
- B. *Parking Plan Requirements.* In addition to the requirements of Article IX, "Site Plan Approval", the plan shall also specifically include the following:
1. Delineation of individual parking and loading spaces by adequate striping.
 2. Circulation area necessary to serve spaces.
 3. Access to streets and property to be served.
 4. Driveway and traffic aisle width, location of all curbs and curbing materials.
 5. Dimensions, continuity, and substance of required screening.
 6. Grading, drainage, surfacing, and subgrading details.
 7. Delineation of obstacles to parking and circulation in finished parking area.
 8. Specification as to signs and bumper guards.
 9. Landscaping and screening details. (See Section 405.350 for landscaping requirements for parking lots.)
 10. *Lighting.* Other pertinent details.
 11. Critical dimensions indicating setback and parking lot design layout. (Ord. No. 916 §1, 4-4-88)

SECTION 405.340: DESIGN REQUIREMENTS

- A. *Surface Material.* Areas used for standing and maneuvering of vehicles including driveways shall have concrete, asphalt, or permeable paving material surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks. Permeable paving material are permitted for use in every parking area, parking garage, and driveways only if they meet the following criteria:

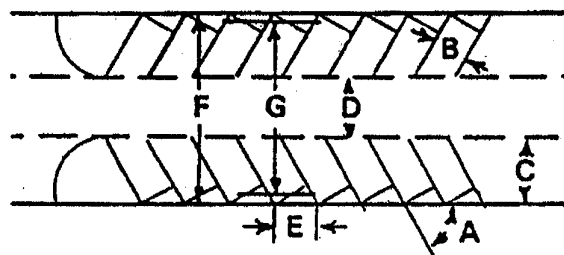
1. *Open-cell unit paver systems with gravel or grass may only be used to pave parking stalls.*
 2. *Pavers shall have a minimum thickness of 80mm (3.24 inches).*
 3. *Products shall be installed per manufacturer's specifications. Sub-grade soils shall be compacted as required per the product specifications.*
 4. *A permeable pavement installation and continuing maintenance plan following manufacturer's recommended specifications (including any required periodic vacuuming of porous asphalt or concrete surface with commercial cleaning unit, mowing of grass in paver or grid systems, etc.) must be submitted to, and approved by, the Community Development Director as part of the site plan.*
- B. *Access to Parking Areas.* All off-street parking spaces that make it necessary to back out directly into a public road are prohibited, except for private driveways serving individual residential units. Also, no driveway or parking areas of an industrial, commercial, mobile home, or multiple-family use that will lie adjacent to a one- or two-family use or zoning district shall be located closer than ten (10) feet to the common property line.
- C. *Access Near Street Corners.* No entrance or exit for any off-street parking area with over four (4) parking spaces, nor any loading berth, shall be located within seventy-five (75) feet of the intersection of any two (2) street right-of-way lines.
- D. *Drainage.* All off-street parking areas shall be drained to as to prevent drainage to abutting properties, and shall be constructed of concrete or asphaltic materials and/or through supplemental stormwater control measures such as permeable paving material, bioswales, rain gardens, underground rain cisterns, or other infiltration systems approved by the Community Development Director.
- E. *Lighting.* Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot, institutional premises or adjacent streets.
- F. *Screening.* Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces a lot with residential zoning by an unpierced wall or screen, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. (See Section 405.350 for additional landscaping requirements.)
- G. *Setback.*
1. Unless otherwise provided, all required parking spaces may be located in a required front yard, side yard, or rear yard provided that a ten (10) foot setback be maintained from any property line. However, in no instance shall a parking lot be located in a required transition strip. (See Section 405.350, Landscaping and Screening Regulations.)
 2. *Exception.* Where the proposed parking area will be located within the side yard or front yard adjacent to a similarly zoned property and where internal access will be provided between the two (2) properties, the ten (10) foot setback requirement shall not apply.
- H. *Striping Required.* Open parking spaces for multiple-family dwellings (containing three (3) or more dwelling units) shall be delineated by pavement striping and must meet minimal parking stall sizes as described below in Subsection (I).
- I. *Minimum Off-Street Parking Dimensions.* The regulations of this Subsection shall govern the dimensions of off-street parking spaces, including those provided in developments approved in planned districts or by special procedure prior to the enactment hereof, anything in such planned district or special procedure approval to the contrary notwithstanding.
1. Except as otherwise provided for in this Subsection, the requirements for off-street parking

of the Valley Park zoning ordinance shall be implemented with regard to the minimum dimensions in the following table:

PARKING TABLE

A	B	C	D	E	F	G
45°	9.01 feet	19.7 feet	12.5 feet	12.7 feet	51.9 feet	45.6 feet
60°	9.01 feet	21.0 feet	17.5 feet	10.5 feet	59.5 feet	55.0 feet
90°	9.01 feet	19.0 feet	22.0 feet	9.0 feet	60.0 feet	---

- A Parking angle
- B Stall width
- C 19 feet minimum stall to curb
- D* Aisle width
- E Curb length per car
- F Curb to curb
- G Center to center width of double row with aisle between



*Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

2. In the event that the desired parking angle is not specified by the above table, the Building Commissioner may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.
3. A stall dimension of eight and one-half by eighteen (8½ x 18) feet or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements as set forth in this Section when designated for compact car use.
4. On-site parallel parking stalls shall be nine by twenty-two (9 x 22) feet adjacent to a twenty-two (22) foot two-way lane or a fifteen (15) foot one-way lane.
5. Curbed islands are required at ends of aisles where necessary for traffic control or drainage. (Ord. No. 916 §1, 4-4-88)

J. *Definitions.* Refer to SECTION 405.050: DEFINITIONS.

SECTION 405.350: SCREENING AND LANDSCAPING

All parking and loading areas shall be properly screened and landscaped as hereinafter set forth. It is the purpose and intent of this Section to require adequate protection for contiguous property against undesirable effects from the creation and operation of parking or loading areas and to protect and preserve the appearance and character of the surrounding neighborhoods and of the City through the screening effects and aesthetic qualities of such landscaping.

1. The landscaping shall include, to the extent necessary to further the intent of this Section, shrubs, bushes, hedges, trees, decorative walls or fencing as set forth below.
2. The frontage along the entire parking or loading area adjacent to any public or private street shall be landscaped and protected so as to separate and screen any parking area from the

adjacent streets, including the provision of deciduous, hardwood street trees at not more than thirty-five (35) feet on center located either within the right-of-way if approved by the appropriate public agency, or parallel to the right-of-way on the subject property.

3. When off-street parking or loading areas and other areas zoned for any use except one-family and two-family residential districts are located adjacent to a residential district or to any lot upon which there is a dwelling as a permitted use, there shall be provided along the lot line a continuous, solid fence to a height adequate to prevent the direct light from automobile headlights being cast on adjacent residential units but with a minimum height of six (6) feet. Except that the height of such fence or wall shall not exceed three and one-half (3½) feet within fifteen (15) feet of the public right-of-way.
4. In addition to any landscaped front, back or side yard areas required by this or any other Section, a minimum of ten (10) square feet of interior landscaped area shall be provided within the parking lot for each parking space. The landscaping shall be in one (1) or more areas so as to minimize and reduce the apparent size of parking areas.
5. All interior landscaped areas provided in accordance with the preceding paragraph shall be raised and curbed and shall have a minimum area of fifty (50) square feet and a minimum width of five (5) feet. Each separate interior landscaped area shall include at least one (1) deciduous shade tree of a type and size required herein, and there shall be a minimum of two (2) trees, within and up to, every one hundred (100) linear feet of parking for each parking row. Such trees shall be spaced evenly wherever possible and the ends of parking rows abutting a circulation aisle shall be defined by interior landscaped areas whenever feasible.
6. Deciduous shade trees shall have a minimum caliper of three (3) inches in the trunk measured one (1) foot above the ground with a clear trunk of at least five (5) feet where provided for screening, buffering or aesthetic effect. Evergreen trees shall be a minimum of eight (8) feet in height at planting. All trees shall be properly planted and staked. The number of such trees shall be determined by the application of the above mentioned landscape standards, provided however, that in no instance shall there be less than two (2) such trees in conjunction with the development of any parking facility or lot.
7. No landscaped hedge shall be less than two (2) feet in height, and three (3) feet in spread; however, no hedge, wall or berm shall exceed three (3) feet in height within ten (10) feet of any driveway opening. The individual plants used in the development of such a hedge shall be placed so as to be not more than twenty-four (24) inches on center.
8. The use of earth sculpting or berms may be required, provided these are designed in any area of enough size so as to avoid erosion, drainage or maintenance problems.
9. Interior planting bed areas, which are used for the planting of trees, or which are used for landscaping treatment generally, may be treated with either grass and/or other types of groundcover or open spaced pavers on a sand and gravel base located beneath and surrounding trees and shrubs.
10. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground covering and other landscaping by utilizing a sprinkler system, hose bibs and/or such other method of providing water. In the event that landscaping approved by the City as part of site plan review should die and is not replaced by the property owner in a timely fashion, taking into consideration the season of the year,

it shall be deemed a violation of this Chapter and subject to the penalties outlined in Section 405.680 of this Chapter.

11. A perimeter landscaped buffer strip shall be provided and maintained at a width of not less than five (5) feet between a parking lot or driveway and the abutting property line at a side or rear yard. Said landscaped strip shall be at least ten (10) feet in width along any front or side property line abutting a public or private street. Other, more restrictive standards for yards or buffering shall govern where required by this Chapter.
12. All landscaped areas in parking areas or adjacent to parking or loading areas, or that can be encroached upon by a motor vehicle, shall be provided with an adequate, permanent curb as approved by the Community Development Director to restrict the destruction of the landscaped areas by vehicles. (Ord. No. 916 §1, 4-4-88)

SECTION 405.360: ADMINISTRATIVE REQUIREMENTS

A. *Determination of Required Number Of Spaces.*

1. *Fractional spaces.* When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half ($\frac{1}{2}$) or less may be disregarded, and a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space.
2. *Floor area.* Floor area, when used as a measurement for determining the number of parking spaces for office, merchandising or service uses, shall mean the gross floor area used, or intended to be used for service to the public as patrons or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise.
3. *Employees.* Employees, when used as a measurement for determining the number of parking spaces for a new or established expanding business, shall be estimated in a manner approved by the Board of Aldermen.

B. *Parking Exception for Churches.* Off-street parking facilities required for churches may be reduced by fifty percent (50%) where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas.

C. *Parking for Multiple Use Buildings.* The number of parking spaces required for land or buildings used for two (2) or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this Chapter. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

D. *Use of Required Parking Spaces.* Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.

E. *Overnight Parking of Motor Vehicles.*

1. In residential zones, overnight parking shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton in manufacturing rated hauling capacity, shall be permitted per dwelling unit. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Chapter. Required off-street parking spaces stipulated in this Chapter may not overlap sidewalks or the street right-of-way.
2. No person, firm, corporation, or partnership shall drive through, park, or conduct any

activity from a pickup truck rated more than one (1) ton, four-wheel van, semi-tractor, or commercial vehicle upon any street, highway, or roadway within a residential area except for local deliveries. "Delivery" shall mean the active loading or unloading of the vehicle or part of the same and shall not exceed fifteen (15) minutes. The parking of such vehicles upon any private or public parking lot in any residential area is expressly prohibited without the permission of the property owner or agent for said property. The driver of any semi-tractor and trailer is hereby prohibited from allowing any motor or motors which is a part of the semi-tractor or trailer from running while parked in any residential area regardless of location. Any officer of the City of Valley Park may cause the removal of any vehicle or part thereof from any residential area where found in violation of the requirements of this Chapter. Any expense incurred by said removal shall be at the expense of the driver, operator, or owner of the towed unit.

- F. *Accessory Parking Lots.* All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided however, that where there are, in the judgment of the Planning and Zoning Commission, practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the Planning and Zoning Commission may recommend authorization of an alternate location for any portion of the required parking for a non-residential use which will adequately serve the public interest, subject to the following conditions.
1. Required accessory off-street parking facilities may be provided elsewhere than on the lot on which the principal use served is located, provided, that the property occupied as parking is in the same possession, either by deed, by easement, or by long-term lease which has a term equal to or exceeding the projected life of the facility occupied by the principal use, and further provided, that the owner shall be bound by covenants filed on record in the office of the County Recorder, requiring the owners, heirs or assigns, to maintain the required number of off-street parking spaces during the existence of such principal use.
 2. Pedestrian access shall be available within a walking distance of not more than three hundred (300) feet measured from the nearest point of public access to the building to the nearest part of the accessory parking area.
 3. Such separated parking space shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood or hazard to pedestrians or vehicular traffic.
 4. All accessory parking lots shall be located on property zoned within the same, or similar, zoning district.
- G. *Changes in Use.* No off-street parking space required under this Chapter shall be used for any other purpose. Where a change in use creates greater parking requirements than the amount being provided, an occupancy permit shall not be issued until provision is made for the increased amount of required off-street parking.
- H. *Additions to Structures, Buildings or Uses.* Where an addition is made to an existing structure, building, or use which does not comply with the parking requirements cited for such structure, building, or use, the parking requirements supplied for the addition shall include those spaces necessary to bring the structure, building, or use as a whole into conformance with the requirements of this Chapter.
- I. *Existing Parking.* No parking area or parking space which exists at the time this Chapter becomes effective or which subsequent thereto is provided for the purpose of complying with

the provisions of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.

- J. *Maintenance of Parking Facilities.* Any persons operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking lot. Such persons shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes and the Board of Aldermen shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area. (Ord. No. 916 §1, 4-4-88)

SECTION 405.370: SCHEDULE OF REQUIRED PARKING SPACES

A. *Residential and Lodging Uses.*

1. *Dwellings (one-family, two-family, multi-family).* Two (2) spaces per dwelling unit.
2. *Dormitories or group homes.* One (1) space for every two (2) beds, plus one (1) space for every one hundred (100) square feet of floor.
3. *Mobile home or house trailer.* Two (2) spaces per dwelling unit.
4. *Motel/hotel.* One (1) space per guest room plus one (1) space per every two (2) employees.
5. *Rooming or boarding house.* One (1) space for each guest room, but no fewer than two (2) total spaces in any event.

B. *Commercial Uses.*

1. *Indoor retail uses.* Six (6) spaces for each one thousand (1,000) square feet of floor area, except as otherwise herein noted.
2. *Personal service uses.* Five (5) spaces per one thousand (1,000) square feet of floor area, except as otherwise herein noted.
3. *General offices.* Five (5) spaces per one thousand (1,000) square feet of floor area.
4. *Financial institutions.* Four (4) spaces per one thousand (1,000) square feet of floor area, plus one (1) space for each electronic teller, plus five (5) stacking spaces for each drive-thru teller position.
5. *Automobile, truck, recreational vehicle, and equipment sales and service.* One (1) parking space per three thousand (3,000) square feet of open sales lot area devoted to the sale, display, or rental of said vehicles or equipment; or four (4) spaces for every one thousand (1,000) square feet of interior showroom, whichever is greater; plus three (3) spaces for every service bay in garage repair areas.
6. *Automobile service station.* One (1) space located at each fuel dispenser, plus three (3) spaces for each service bay, or similar facility, plus one (1) space for each vehicle used directly in the conduct of the business or stored on the premises, and one (1) space per employee. Required space marking shall not apply to spaces associated with fuel dispensers.
7. *Car wash--mechanical.* Stacking area five (5) times the capacity of the car wash, plus one

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- (1) per employee.
 - 8. *Car wash--self service.* Five (5) stacking spaces for each car washing stall and two (2) drying spaces for each car washing stall.
 - 9. *Clubs, lodges.* Spaces equivalent to the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
 - 10. *Food markets under five thousand (5,000) square feet in floor area.* Four (4) spaces for every one thousand (1,000) square feet of floor area.
 - 11. *Food markets over five thousand (5,000) square feet in floor area.* Seven (7) spaces for every one thousand (1,000) square feet of floor area.
 - 12. *Funeral homes, mortuaries.* One (1) space for every four (4) seats in the auditorium or chapel with a minimum of ten (10) total spaces provided.
 - 13. *General contracting services.* Four (4) spaces for every one thousand (1,000) square feet of floor area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored upon the property.
 - 14. *Research facilities and laboratories.* Four (4) spaces for every one thousand (1,000) square feet of floor area up to fifty thousand (50,000) square feet, plus two (2) spaces for every one thousand (1,000) square feet of floor area over fifty thousand (50,000) square feet.
 - 15. *Restaurants, bars, taverns without drive-thru or carry-out facilities.* Eighteen (18) spaces per one thousand (1,000) square feet of seating floor area, plus two (2) spaces for every three (3) employees on the maximum shift.
 - 16. *Restaurants, bars, taverns with drive-thru or carry-out facilities.* Thirty-two (32) spaces for every one thousand (1,000) square feet, plus two (2) spaces for every three (3) employees on the maximum shift.
 - 17. *Vehicle storage lots.* Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the conduct of the business or stored upon the premises.
 - 18. *Veterinary clinics, animal hospitals, kennels.* Four (4) spaces for every doctor, plus one (1) for every additional employee.
- C. *Industrial and Transportation Related Uses.*
- 1. *Manufacturing plants.* One (1) space for every employee on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored upon the property.
 - 2. *Storage warehouses.* One (1) space for every one thousand (1,000) square feet of floor area within the warehouse, plus four (4) spaces for every one thousand (1,000) square feet of floor area in office use, and one (1) space per vehicle customarily used in the operation of the use or stored on the premises.
 - 3. *Terminal (air, bus, railroad, truck, and watercraft).* One (1) space for every two hundred (200) square feet of lobby area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle used in the operation of the use or stored on the premises.
 - 4. *Storage or extraction of raw materials.* Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle used in the operation of the use or stored on the premises.

D. *Cultural and Recreational Uses.*

1. *Amusement parks.* One (1) square foot of parking for each square foot of public activity area.
2. *Athletic fields.* Twenty (20) spaces for every diamond or athletic field, or one (1) space for every four (4) seats, whichever is greater. (One (1) seat is equal to two (2) feet of bench length.)
3. *Auditoriums, theaters, meeting rooms and places for public assembly (except as noted herein).* One (1) space for every two and one-half (2½) seats based on maximum seating capacity.
4. *Boat dock, harbor, marinas.* Seven-tenths (0.7) of one (1) space for every berth or mooring, two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
5. *Bowling alleys.* Five (5) spaces for every lane.
6. *Camping.* One (1) dust free ten by thirty (10 x 30) foot space for every campsite.
7. *Community centers and private, not-for-profit recreation centers, including gymnasiums and indoor swimming pools.* Four (4) spaces for every one thousand (1,000) square feet gross floor area.
8. *Drive-in theaters.* Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
9. *Fairgrounds.* Sufficient open land convertible to parking such that no vehicle need be parked on any street.
10. *Golf courses.* Space equivalent to one percent (1%) of the total land area. Parking areas along roads or private drives may be used to fulfill this requirement.
11. *Golf driving ranges.* Two (2) spaces for every tee.
12. *Gymnasium without bleachers or fixed seating (except as noted herein).* One (1) space for every one hundred (100) square feet of gross floor area.
13. *Handball, racquetball courts.* Three (3) spaces for every court.
14. *Ice and roller rinks.* One (1) space for every one hundred (100) square feet of skating area or playing surface.
15. *Indoor soccer.* Fifty (50) spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one (1) seat equals two (2) feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one hundred (100) spaces.
16. *Parks, playgrounds, picnic grounds.* Space equivalent to one percent (1%) of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.
17. *Recreation centers.* Four (4) spaces for every one thousand (1,000) square feet of gross floor area.
18. *Stadiums, sports arenas, and gymnasiums with spectator facilities.* One (1) space for every two and one-half (2½) seats, plus one (1) space per three (3) employees on the maximum shift (one (1) seat is equal to two (2) feet of bench length).
19. *Swimming pools.* Two (2) spaces for every one hundred (100) square feet of water area.
20. *Tennis courts.* Three (3) spaces for every court.

E. Institutional Uses.

1. *Churches.* One (1) space for every four (4) seats, (one (1) seat equals two (2) feet of bench length), plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
2. *Fire stations.* One (1) space for every employee including volunteers on the maximum shift.
3. *Foster homes.* One (1) space for every five (5) beds, plus one (1) space for every two (2) employees on the maximum shift.
4. *Hospitals.* One (1) space for every two (2) beds, plus one (1) space for every staff doctor and employee on the maximum shift.
5. *Libraries, reading rooms.* Five (5) spaces for every one thousand (1,000) square feet of gross floor area, one (1) space for every six (6) seats in an accessory auditorium, and two (2) spaces for every three (3) employees on the maximum shift.
6. *Nursing homes.* One (1) space for every five (5) beds, one (1) space for every self-care unit, and one (1) space for every two (2) employees on the maximum shift.
7. *Police stations.* Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
8. *Postal stations.* Four (4) spaces for every customer service station, two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
9. *Schools, public and private, all grades and vocational.* One (1) space for every classroom and office, and one (1) space for every four (4) students over sixteen (16) years of age.
10. *Cemeteries.* Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises, plus one (1) space for every four (4) seats in the auditorium or chapel. (Ord. No. 916 §1, 4-4-88)

ARTICLE VIII. NON-CONFORMING USES

SECTION 405.380: SCOPE OF PROVISIONS

- A. The provisions of this Section shall apply to all non-conforming uses, lands, and structures. A non-conforming land use or structure is one which existed lawfully whether by variance or otherwise, on the date this Zoning Code or any amendment thereto became effective, and which fails to conform to one (1) or more of the applicable regulations of the Zoning Code or such amendment thereto, except minimum lot area, yard, and setback requirements.
- B. Such non-conformities may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage. (Ord. No. 916 §1, 4-4-88)

SECTION 405.390: STATEMENT OF INTENT

Non-conformities are not to be expanded, and they should be abolished or reduced to conformity as quickly as the fair interest to the parties will permit. (Ord. No. 916 §1, 4-4-88)

SECTION 405.400: NON-CONFORMING USES OF LOTS

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

1. *Enlargement.* No such non-conforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land or floor space than was occupied on the date of adoption or amendment of this Chapter and no additional accessory use, building, or structure shall be established thereon.
2. *Relocation.* No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this Chapter or to a parcel or lot not in conformance with this Chapter.
3. *Discontinuance.* If such non-conforming use of a parcel or lot ceases for any reason for a period of more than one hundred eighty (180) consecutive days (except where government action causes such cessation) the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Chapter for the district in which such parcel or lot is located. (Ord. No. 916 §1, 4-4-88)

SECTION 405.410: NON-CONFORMING BUILDINGS AND STRUCTURES

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

1. *Enlargement.* Such building or structure may be enlarged, expanded, extended, or altered only if the non-conformity is removed.
2. *Destruction.* Should any such building or structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
3. *Relocation.* Should any such building or structure be moved for any reason for any distance, shall thereafter conform to the regulations of the district in which it is located after it is moved. (Ord. No. 916 §1, 4-4-88)

SECTION 405.420: NON-CONFORMING USES OF BUILDINGS AND STRUCTURES

Where, on the date of adoption or amendment of this Chapter, a lawful use of a building or structure exists that is no longer permissible under the regulations of this Chapter, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. *Enlargement.* No existing building or structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or

- structure to a use permitted in the district in which such building or structure is located.
2. *Change in use not permitted.* An existing non-conforming land use or structure shall not cause further departures from the Zoning Code. Although an existing non-conforming use may be continued, except as hereinafter limited, it may not be changed to another use, except a use permitted in the district in which it is situated and provided it complies with the requirements of that district.
 3. *Discontinuance.* When a non-conforming use of a building or structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days (except where government action prevents access to the premises) the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. (Ord. No. 916 §1, 4-4-88)

SECTION 405.430: REPAIRS AND MAINTENANCE

Nothing in this Chapter shall be deemed to prohibit the restoration of any structure and its use where such structure has been destroyed by any means out of the control of the owner to an extent less than fifty percent (50%) of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction, provided, the restoration of such structure and its use in no way increases any former non-conformity, and provided further, that restoration of such structure is begun within six (6) months of such destruction and diligently prosecuted to completion within two (2) years following such destruction. Whenever such structure has been destroyed by any means out of the control of the owner to an extent of more than fifty percent (50%) of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of destruction, as determined by the Code Enforcement Officer, or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated. When a structure is determined to be substandard by the proper administrative official of the City of Valley Park, under any applicable ordinance of the City and the cost of placing the structure in condition to satisfy the standards under such ordinance shall exceed fifty percent (50%) of the reconstruction cost of the entire structure, such non-conforming structure shall not be restored for the purpose of continuing a non-conforming use. However, none of the restrictions contained in this Section shall limit the authority of the Board of Zoning Adjustment to grant relief for reconstruction of a non-conforming structure, as provided in Article XIII, Board of Zoning Adjustment. (Ord. No. 916 §1, 4-4-88)

SECTION 405.440: CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing non-conforming use, building or structure, provided there is no change in the nature or character, extent or intensity of such non-conforming use, building or structure. (Ord. No. 916 §1, 4-4-88)

SECTION 405.450: COMPLETION OF PENDING CONSTRUCTION AND BUILDING PERMITS

To avoid undue hardships, nothing in this Chapter shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun

prior to the effective date of adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the plans or designated use of a building for which a building permit had been heretofore issued, or plans or final subdivision plats which have been approved by the Board at the time of the passage of this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.460: CONDITIONAL USES

Any use existing at the time of adoption of this Chapter and which is permitted as a conditional use in a district under the terms of this Chapter shall be deemed a conforming use in such district, and shall without further action be considered a conforming use. (Ord. No. 916 §1, 4-4-88)

SECTION 405.470: SUBSTANDARD NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district, provided, that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter and if all or part of the lots do not meet the requirements for lot width and area as established by this Chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this Chapter, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Chapter, the lands involved shall be considered to be an undivided parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Chapter, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Chapter, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.480: EXISTENCE OF A NON-CONFORMING USE

A non-conformity shall not be deemed to have existed on the date this Zoning Code or any amendment thereto became effective; unless:

1. It was in being a continuous basis and to its fullest extent on such date.
2. If such non-conformity is a use, such use had not been abandoned as hereinafter defined.
3. In cases of doubt, and on specific questions raised, whether a non-conforming use exists, it shall be decided by the Board of Aldermen after a public hearing is conducted by the Planning and Zoning Commission and the Commission's recommendations are received by the Board of Aldermen. (Ord. No. 916 §1, 4-4-88; Ord. No. 1489 §1, 2-7-00)

SECTION 405.490: NON-CONFORMING USES NOT VALIDATED

A use in violation of a provision of the ordinance which this repeals shall not be validated as a non-conforming use by this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.500: JOINT USE OF BUILDINGS, STRUCTURES, AND/OR LAND

Where a non-conforming use exists, and a conforming use is proposed, the non-conforming use must cease upon initiation of the conforming use. No joint use of either buildings, structures, and/or land shall be permitted. (Ord. No. 916 §1, 4-4-88)

SECTION 405.510: NON-CONFORMITY AS BASIS FOR VARIANCE

The existence of any present non-conformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property. (Ord. No. 916 §1, 4-4-88)

SECTION 405.520: NON-CONFORMING USES NOT TO BE MOVED

A non-conforming use of land shall not be moved to another part of a lot or outside the lot, and a non-conforming use of a structure shall not be moved to any part of the structure not manifestly arranged and designed for such use at the time the use became non-conforming except that in the case of extraction of raw materials from the earth, extraction operations and moving of related structures may occur on any part of the tract owned or leased by the operator at the time of becoming a non-conforming use. (Ord. No. 916 §1, 4-4-88)

**SECTION 405.530: EVENTUAL REMOVAL OR CORRECTION OF
NON-CONFORMING USE**

Within five (5) years of the date of the adoption of this Chapter or the date of adoption of any applicable amendments to this Chapter, any use which is or becomes a non-conforming use, shall be brought into conformance with the environmental performance standards established in Article VI, Environmental Performance Standard Regulations. The non-conforming use of open land for junk yards, storage (other than stockpiling of sand, gravel, and rock as an accessory operation to the extraction of raw material from the earth) and non-conforming structures containing two hundred (200) square feet of ground floor space or less shall be discontinued within five (5) years of the date of their becoming non-conforming uses by the adoption of this Chapter, amendments to this Chapter, or previous zoning ordinances. Any use listed in this Section need not be discontinued in the event that the adoption of this Chapter or amendments to this Chapter changes the status of such use from that of a non-conforming use to that of a permitted use in the district in which it is located. (Ord. No. 916 §1, 4-4-88)

ARTICLE IX. SITE PLAN APPROVAL

SECTION 405.540: PURPOSE

- A. It is recognized by this Chapter that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Chapter requires site plan review and approval by the Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future urban development.
- B. The site plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the property. (Ord. No. 916 §1, 4-4-88)

SECTION 405.550: BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN

The Building Commissioner shall not issue a building permit for the construction of the following buildings, structures and exterior modifications unless a detailed site plan has been reviewed and approved by the Commission and such approval is in effect:

- 1. All uses indicated in Section 405.160 "C-1" District, Section 405.165 "C-2" District, and Section 405.170 "I-1" District.
- 2. A multiple-family building containing two (2) or more dwelling units.
- 3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
- 4. A mobile home park in accordance with the provisions specified in Section 405.180 "PD".
- 5. A planned district development in accordance with the provisions specified in Section 405.180 "PD". (Ord. No. 916 §1, 4-4-88)

SECTION 405.560: APPLICATION AND FEE

- A. Any persons may file a request for a site plan review by the Commission by filing with the Public Works Department the completed application upon the forms provided and payment of the review fee. As an integral part of said application, the applicant shall file at least twelve (12) copies of a site plan.
- B. The City Clerk upon receipt of such site plan, other necessary data, and payment of the required fee, shall forthwith transmit the copies to the Commission prior to its next regularly scheduled meeting and the Commission shall undertake a study of same and shall approve or deny the site plan. Written notice will be sent to the applicant stating the time and place of review of the site plan by the Commission. (Ord. No. 916 §1, 4-4-88)

SECTION 405.570: REQUIRED DATA FOR SITE PLAN

Every site plan submitted to the Commission shall be in accordance with the requirements of this Section.

1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the plan, and shall include more than one (1) drawing or specific details where required for clarity.
2. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of said property. The site plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s), and designer(s).
3. It shall show the scale, north point, boundary dimensions, natural features such as woodlots, streams, rivers, lakes, drains, existing manmade features such as buildings, structures, easements, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains and shall identify adjacent properties within one hundred (100) yards, the respective zoning classification, and their existing uses.
4. It shall show the existing topography and finished grade line elevations at two (2) foot contour intervals as well as the proposed finished floor elevation for all structures.
5. It shall show the dimensions of the proposed main and accessory buildings, their relation one to another and to any existing structures to remain on the site, the height of all buildings and structures and the distance from all proposed buildings and structures to the nearest adjacent property line.
6. It shall show the existing and proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lands, service parking and loading zones, in conformance with the requirements set forth in Article VII of this Chapter.
7. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. All necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.
8. A landscape plan that meets the requirements of Section 405.350, "Landscaping and Screening Regulations", shall be included as part of the site plan submitted.
9. It shall show architectural elevations of all proposed buildings and structures, identifying all materials proposed, as well as floor plans for each.
10. The locations, height, and intensity of all exterior lighting, including a graphic catalog reference describing the proposed standards.
11. The location, type, and nature of screening proposed for all trash collection areas.
12. Any other information deemed necessary by the Commission.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Planning Commission or presented at their meeting shall become the property of the City and part of the permanent record of any approval. (Ord. No. 916 §1, 4-4-88)

SECTION 405.580: REVIEW PROCEDURES

The site plan shall be submitted with the application for site plan approval to the Community Development Director who shall institute an administrative review of the site plan by all affected City departments. The results of this review shall be compiled by the Director of Public Works and shall be reported to the Planning and Zoning Commission for their consideration. Upon receiving the site plan application and associated documents, the Planning and Zoning Commission shall complete its review of the site plan and shall render a decision on the application either denying, approving, or approving with conditions. The site plan application, along with the Planning and Zoning Commission's action and reasoning, shall be forwarded to the Board of Aldermen as an informational item. (Ord. No. 916 §1, 4-4-88; Ord. No. 1489 §1, 2-7-00)

SECTION 405.590: SCOPE OF REVIEW

- A. The Planning Commission shall consider, but not be limited to, the following factors in review of the site development plan:
1. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, watercourses, floodplains, soils, air quality, scenic views and historic sites.
 2. The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community.
 3. The provision of sufficient open space to meet the needs of the proposed development.
 4. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.
 5. The compatibility of the overall site design (location of buildings, parking lots, screening, general landscaping) and the land use within the existing area and projected future development of the area.
 6. The existence and/or provision of adequate community facilities to serve the proposed development (i.e. water, sewerage, schools, streets, etc.).
 7. Conformance of the site development plan with the comprehensive plan and any other applicable requirements of the Zoning Code.
- B. *Approval of Site Plan.* Upon Commission approval of a site plan the applicant shall file with the Commission four (4) copies thereof containing all revisions required as the result of the approval process. The Chairman of the Commission shall transmit one (1) copy to the Community Development Director with the Chairman's signature affixed thereto, certifying the site plan conforms to the provisions of the Zoning Code as determined and approved by the Commission. If the site plan is denied by the Commission, explanation and notification of denial shall be given to the applicant(s).
- C. *Expiration of Site Plan Approval.* The site plan approval shall expire, and be of no effect, one hundred eighty (180) days after the date of approval thereof, unless within such time a building permit for any proposed work authorized under the said site plan approval has been issued. The site plan approval shall expire and be of no effect three hundred sixty (360) days after the date of its issuance, if construction has not begun and been pursued diligently on the property.
- D. *Revision of Site Plan.* Site plan may be amended or revised by the Commission so far as the Commission approved site plan is concerned, for which the Building Commissioner has not issued a building permit, or the work authorized under an issued building permit has not been completed. If the Commission deems that the proposed amendment is substantial, such amendment shall be made upon application and in accordance with the procedure provided

herein for an original application.

- E. *Site Plan Bond.* As a condition of approval of the site plan, the Commission may require a deposit by the applicant with the City Clerk in the form of cash, certified check, or surety bond acceptable to the Board of Aldermen, to insure performance of any obligations of the applicant to make improvements shown upon the detailed site plan. The deposit shall be in an amount sufficient to insure completion of the improvements within the time specified by the Commission in accordance with regulations and standards established by the Board of Aldermen. The Clerk shall rebate to the applicant, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire improvements shown upon the detailed site plan as verified by the Community Development Director.
- F. *Violations.* The filing of a site plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the site plan is approved by the Planning Commission, permits issued for the improvement of such property and activities subsequent thereto shall be in conformance with the approved site plan for the property in question. The approved site plan shall have the full force and effect of the Zoning Code. Any violations shall be grounds for the Building Commissioner to issue stop work orders, withhold further permits, and take all actions necessary for the assessment of all penalties and fines as outlined in Article XI, Administration and Enforcement. (Ord. No. 916 §1, 4-4-88)

ARTICLE X. SPECIAL PROCEDURES AND REGULATIONS

SECTION 405.600: SPECIAL PROCEDURES AND REGULATIONS EXPLAINED

In order to provide for uses that require particular consideration in each case because of the nature of the use and its effect on its surroundings or the City, and in order to provide the maximum flexibility in the site planning uses and reasonable modification in uses in appropriate circumstances, all consistent with the public health, safety, and general welfare of the City of Valley Park and good planning practice, the following procedures are established. (Ord. No. 916 §1, 4-4-88)

SECTION 405.610: CONDITIONAL USE PERMIT PROCEDURE

A. Purpose.

1. Conditional uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:
 - a. A tendency to generate excessive traffic,
 - b. A potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants,
 - c. A detrimental effect upon the value or potential development of other properties in the neighborhood, or
 - d. An extraordinary potential for accidents or danger to public health or safety.
2. It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare. Such land uses and

developments are identified in each particular zoning district under conditional land use and development permits issued by the Commission.

- B. *Procedures.* The granting of a conditional use permit may be initiated by a verified application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by a resolution of intention by the Planning and Zoning Commission or the Board of Aldermen. Procedures for application, review, and approval of a conditional use permit shall be as follows:
1. *Application.* Application for a conditional use permit for a specific tract of land shall be addressed to the Planning Commission and filed with the City Clerk. The application shall be filed on forms prescribed for that purpose by the Planning Commission and be accompanied by the following:
 - a. Filing fee per requirements of the City.
 - b. Legal description of the property.
 - c. Outboundary plat of the property.
 - d. A site plan in conformance with the requirements of Article IX.
 2. *Public hearing.* A public hearing on the application shall be held by the Planning and Zoning Commission in accordance with the provisions of Article XII, Amendment Procedure, except that the posted public notice signs shall indicate that the public hearing is for a conditional use permit. The public hearing shall be held within forty-five (45) days of verification by the City Clerk that the petition meets the minimum application requirements. The public hearing requirements shall be the same if a petition for a conditional use permit is initiated by resolution of intention by the Planning and Zoning Commission or the Board of Aldermen.
 3. *Burden of proof.* In presenting any application for a conditional use permit to the Planning Commission for review and approval, the burden of proof shall rest with the applicant to provide any necessary evidence required by the Commission to clearly indicate that the proposed conditional use shall meet the following criteria:
 - a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 - b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls, and fences on the site, and
 - (2) The nature and extent of proposed landscaping and screening on the site.
 - e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
 - f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

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- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

If the facts in the case do not establish that the findings and standards set forth in this Chapter will apply to the proposed use, the Planning Commission shall deny the conditional use permit.

- 4. *Approval or denial of application.* Subsequent to public hearing, the Planning and Zoning Commission shall file a report with the Board of Aldermen in which the Commission shall grant or deny each application for a conditional use permit and state the reasons therefore. The Planning and Zoning Commission may permit those developments and uses where such developments and uses are deemed consistent with good planning practice; 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 or desirable to preserve and promote the public health, safety, and general welfare of the City of Valley Park. In approving such conditional uses, the Planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:
 - a. Permitted uses, including maximum floor area.
 - b. Performance standards.
 - c. Height limitations.
 - d. Minimum yard requirements.
 - e. Off-street parking and loading requirements.
 - f. Sign regulations.
 - g. Minimum requirements for site development plans.
 - h. Time limitations for duration of the use or subsequent review.
 - i. Architectural elevations of any proposed structures.
 - j. All proposed landscaping.

These, and any other conditions deemed necessary by the Commission, may be made more restrictive than the minimum requirements of the respective zoning district within which the conditional use will be located.

- 5. *Permit effective, when.* Unless the Board of Aldermen exercises its power of review, or a duly filed protest is received by the City Clerk, a conditional use permit, or an amendment thereto, shall become effective following the regularly scheduled meeting of the Board of Aldermen at which the report of the Planning and Zoning Commission concerning the proposed conditional use permit is received. In the event that a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
- 6. *Effect of denial.* Upon denial by the Planning and Zoning Commission of an application for a conditional use permit, the Commission shall notify the applicant of the denial. If no appeal is filed from the denial and if the Board of Aldermen does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial. No provision herein shall be construed to prevent the Planning and Zoning Commission or the Board of Aldermen from initiating the procedure provided in this

Section by a resolution of intention at any time.

C. *Appeal, Protest, or Board Review of Planning Commission Decision.*

1. *Appeal by petitioner from decision.* Upon a decision being reached by the Planning and Zoning Commission concerning an application for a conditional use permit, the applicant may file an appeal with the Board of Aldermen requesting a determination from that body. A notice of appeal shall be filed within ten (10) days following the Commissions' decision, be in writing, filed with the City Clerk in duplicate, and accompanied by a fee of two hundred dollars (\$200.00). The appeal shall specifically state how the application or initially filed, or subsequently modified, meets the applicable criteria set forth in this Chapter.
2. *Protest by nearby property owners to decision.* Owners of twenty-five percent (25%) (by area) of the property within one thousand (1,000) feet of the property in question may file a protest with the Board of Aldermen concerning the decision of the Planning and Zoning Commission as specified herein. A notice of protest must be filed within the ten (10) days following the Planning and Zoning Commission's decision, be in writing, filed in duplicate with the City Clerk, and accompanied by the signatures and addresses of the property owners involved. The notice of protest shall include a notarized verification from the person(s) collecting the protestant's signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed, or subsequently modified, meets (or fails to meet) the criteria set forth in this Chapter.
3. *Board of aldermen review of decision.* The Board of Aldermen may exercise the power of review of any Planning and Zoning Commission decision on an application for a conditional use permit, or an amendment thereto, upon motion adopted by a majority vote at the regularly scheduled meeting of the Board at which the report of the Planning and Zoning Commission on the application is received.
4. *Public hearing by the board of aldermen.* Before acting on any appeal or protest the Board of Aldermen shall set the matter for hearing. The Board of Aldermen shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning and Zoning Commission or to the protestants in the case of a protest. The applicant and the protestants in the case of a protest shall be heard at the hearing. In addition, any other person or persons whom, in the discretion of the Board of Aldermen, will be aggrieved by any decision or action with respect to an appeal or protest may also be heard at the hearing.
5. *Board of aldermen decision.* Following the hearing by the Board of Aldermen on an appealed or protested application, the Board of Aldermen may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the whole Board of Aldermen shall be required to reverse or modify any determination of the Planning and Zoning Commission.

D. *Procedure to Amend Approved Conditional Use Permit.* In order to amend an existing conditional use permit, the application procedures, required materials, approval process, and appeal process shall be the same as for a new permit.

E. *Recording.* Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the property owner shall record a copy of the approved conditional use permit, including all attached conditions. The approved site plan, legal description of the property, and outboundary survey, along with any subsequent amendments shall be recorded with the St. Louis County Recorder of Deeds.

- F. *Time Limit of Conditional Use Permits.* Conditional use permits shall be valid for an unlimited period subject to the requirements of Section 405.620 unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the Board of Aldermen, which may extend it for an unlimited period or for a specified additional period of years.
- G. *Failure to Commence Construction or Operation.* Unless otherwise stated in the conditions of a particular conditional use permit, substantial work, construction, or operation of the conditional use where construction is not required, shall commence within six (6) months of the effective date of the permit unless such time period is extended through appeal to and approval by the Board of Aldermen. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six (6) month period.
- H. *Revocation of Conditional Use Permit.* Upon a finding that an approved conditional use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use or basic changes within the general neighborhood, the Planning and Zoning Commission and Board of Aldermen reserve full authority to revoke the approval at anytime.
- I. *Transferability.* All conditional use permits shall be approved for the originating applicant for a specific location, and may not be transferred to any other location by that applicant. Should the business or use for which the conditional use permit was sought be transferred to a different ownership a renewal of the original conditional use permit shall be automatically required. (Ord. No. 916 §1, 4-4-88)

SECTION 405.615: ADULT-ORIENTED BUSINESS REGULATIONS

- A. *Intent.* The intent of this Section is to establish a zoning district for the purpose of regulating adult-oriented businesses which, because of their very nature, may have many of the recognized significant secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of the adult-oriented businesses; higher crime rates, noise, debris or vandalism in the vicinity of adult-oriented businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult-oriented businesses. It is neither the intent nor effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials or merchandise protected by the First Amendment, or to deny access by the distributors or exhibitors of adult-oriented business to their intended market. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state of Missouri regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.
- B. *Location and Spatial Separation Regulations.* Adult-oriented businesses (as defined in SECTION 405.615: ADULT-ORIENTED BUSINESS REGULATIONS, A. *Intent*) are

declared to be regulated uses according to their location and spatial separation and shall be governed as follows:

1. *Location and spatial regulations.*

- a. Adult-oriented businesses, as defined in Section C. *Definitions*, 6, "Adult-oriented business", may be located upon any property zoned "C-2" Commercial District (Section 405.165), "I-1" Light Industrial District (Section 405.170), or upon any property included as part of a "PD-I" Planned Development – Industrial District (Section 405.180) zoned property, but not within one thousand two hundred (1,200) feet of any residentially zoned property;
- b. No adult-oriented business (as described in subsection 1. a, above) shall be allowed to locate or expand within one thousand (1,000) feet of any other adult-oriented business or of any business licensed to sell or serve alcoholic beverages as defined by this Code whether or not the business is also an adult-oriented business as defined in this Chapter; and
- c. No adult-oriented business (as described in subsections 1. a. and b, above) shall be allowed to locate or expand within one thousand two hundred (1,200) feet of any school, religious institution or public park within the City.

2. *Measurement of distance.*

- a. The distance between any two (2) adult-oriented businesses or between any adult-oriented business and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
- b. The distance between any-oriented business and any religious institution, school or public park or any property zoned for residential use shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school or public park or the property zoned for residential use.

C. *Definitions.* As used in this Section:

1. "Adult bookstore" means any establishment, which as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts. (See definition for "adult-oriented business" for definition of regular and substantial portion of its business.)
2. "Adult cabaret" means a nightclub, bar, lounge, restaurant, coffee shop, "juice bar" or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.
3. "Adult model studio" means any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or

videotaped for a fee, or any other thing of value, as a consideration, compensation or gratuity for the right or opportunity to so observe the model or remain on the premises. Adult model studio shall not include any live art class or any studio or classroom that is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree.

4. *"Adult motion picture arcade"* means any business establishment or concern containing coin or slug operated or manually or electronically controlled still, motion picture or video machines, projectors, or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.
5. *"Adult-oriented business"* means any business establishment or concern which as a regular and substantial course of conduct operates or performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, adult model studio, adult motel/hotel; any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:
 - a. The area devoted to sexually oriented merchandise and/or sexually oriented material exceeds more than twenty-five percent of the total display or floor space area open to the public;
 - b. The business establishment or concern presents any type of live entertainment that is characterized by an emphasis on specified sexual activity or specified anatomical parts at least four times in any month;
 - c. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display or presentation of services, products, or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical parts.
6. *"Adult theater"* means a business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.
7. *"Entertainer"* means any natural person who dances, models, acts, entertains, performs and/or engages in any live entertainment showing displaying or exposing specified anatomical parts and/or depicting or involving specified sexual activities, or who performs in or wears attire commonly referred to as pasties or a G-string or any other opaque covering, over the nipple and areola of the female breast, and while covering the natal cleft and pubic area covers less than one inch on either side of the entire length of the natal cleft and two inches across the pubic area.

8. *"Entertainment"* means any act, play, burlesque show, revue, pantomime, cabaret, modeling fashion or style show, scene, dance, song, song and dance act, or instrumental music performed, engaged in, presented or participated in at an adult-oriented business by one or more live entertainers for or in view of any patron.
9. *"Individual viewing area"* means any area of an adult-oriented business such as a booth, cubicle or stall designed for occupancy of one person for the purpose of viewing live performances, pictures, movies, videos or other presentations.
10. *"Live art class"* means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing or sculpting of live models exposing specified anatomical parts; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least twenty-four hours in advance of participation in the class.
11. *"Patron"* means any customer, client, guest or invitee of an adult-oriented business.
12. *"Sexually oriented material"* means any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical parts.
13. *"Sexually oriented merchandise"* means sexually oriented implements and paraphernalia, such as, but not limited to dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.
14. *"Specified anatomical parts"* means:
 - a. Less than completely and opaquely covered human genitals; pubic region; buttocks, or female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
15. *"Specified sexual activities"* means:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
 - d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation; or

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- h. The presence of any person who performs, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and G-strings or any other opaque covering, over the nipple and areola of the female breast, and while covering the natal cleft and pubic area covers less than one inch on either side of the entire length of the natal cleft and two inches across the pubic area.

D. *Application requirements.*

1. *Permit Required.* No person or entity shall establish, operate, conduct or maintain any adult-oriented business in the city, unless such person or entity has first obtained a permit pursuant to this chapter. No person or entity shall continue to operate, conduct or maintain any adult-oriented business after its adult-oriented business permit has been suspended (for the duration of the suspension), revoked or not renewed.
2. *Application Submittal.* The property owner, or authorized agent of the property owner, is eligible to request an adult-oriented business permit. Applications shall be submitted to the city clerk. The following information is required at the time an adult-oriented business permit is submitted:
 - a. A completed adult-oriented business permit application signed by the property owner or authorized representative;
 - b. A nonrefundable fee as set forth by resolution of the Board of Aldermen;
 - c. A diagram or floor plan describing the proposed project and showing or explaining how it complies or will comply with the findings/requirements contained in E. Application/findings/requirements and, if applicable, F. Adult-oriented business entertainers;
 - d. Signed statement by the applicant verifying the applicant intends to and will comply with all operational requirements of E. Application/findings/requirements and, if applicable, F. Adult-oriented business entertainers;
 - e. Signed statement that the applicant, and/or the applicant's officers, partners or investors have not had an adult-oriented business permit revoked within the previous two years;
 - f. All other information as required by the city of Valley Park adult-oriented business permit application form.
3. *Determination of Completeness.* The Community Development Director shall determine whether the application contains all the information required by the provisions of this chapter. If it is determined that the application is not complete, the applicant shall be notified in writing within five business days of the date of receipt of the application that the application is not complete and the reasons therefore, including any additional information necessary to render the application complete. The applicant shall have thirty calendar days to submit additional information to render the application complete. Failure to submit the additional information within the thirty-day period shall render the application void. Within five business days following the receipt of an amended application or supplemental information, the Community Development Director shall again determine whether the application is complete in accordance with the procedures set forth in this chapter. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. The applicant shall be notified within five days of the date the application is found to be complete. All notices required by this chapter shall be deemed given upon the date they are either deposited in the United States mail or the date upon which personal service of such notice is provided.

E. *Application/findings/requirements.*

The Community Development Director shall issue an adult-oriented business permit within twenty days of receipt of a complete application if he or she finds that the application fully complies with the findings and requirements of this section. If the Community Development Director has not made a decision within twenty days of receipt of a complete application the applicant shall be permitted to begin operating the establishment for which a permit is sought, unless and until the Community Development Director notifies the applicant of a denial of the application and states the reason(s) for the denial. A complete application shall consist of all sections of the written application answered with requested information accompanied by plans showing how the business intends to comply with the requirements of this chapter. If a permit application is denied by the Community Development Director, the applicant may appeal the decision to the Board of

Aldermen pursuant to **K. *Appeal of denial, suspension and revocation decisions; judicial review.***

1. The adult-oriented business is located in an approved zoning district in compliance with zoning and location requirements of the Valley Park Municipal Code.
2. The adult-oriented business is not located completely or partially within any mobile structure or pushcart.
3. The adult-oriented business shall not stage any special events, promotions, festivals, concerts or similar events that would increase the demand for parking beyond the approved number of spaces for the particular use.
4. The adult-oriented business provides a security system that visually records and monitors all parking lot areas. All indoor areas of the adult-oriented business shall be open to public view at all times with the exception of restroom facilities. "Accessible to the public" shall include but not be limited to those areas that are only accessible to members of the public who pay a fee and/or join a private club or organization.
5. The adult-oriented business complies with the city's sign regulations.
6. The adult-oriented business complies with the development and design requirements of the zone in which it is to be located for the specific underlying use.
7. The adult-oriented business shall not display any sexually oriented material or sexually oriented merchandise that would be visible from any location outside the adult-oriented business.
8. The adult-oriented business shall not allow admittance to any person under the age of eighteen if no liquor is served, or under the age of twenty-one if liquor is served.
9. The adult-oriented business will not operate between the hours of two a.m. and seven a.m.
10. Neither the applicant, if an individual, nor any of the officers or general partners, if a corporation or partnership, of the adult-oriented business have been found guilty within the past two years of a misdemeanor or felony classified by the state as a sex-related offense and have not violated any of the provisions of an adult-oriented business permit or similar permit or license in any city, county, territory or state.
11. The adult-oriented business shall provide separate restroom facilities for male and female patrons. The restrooms will be free from sexually oriented materials and sexually oriented merchandise.
12. The interior of the adult-oriented business is configured such that there is an unobstructed view of every public area of the premises, including but not limited to, the interior of all individual viewing areas, from a fixed manager's station within the premises. No public area, including but not limited to, the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit

a person from seeing into the interior of the individual viewing area from the manager's station. A manager shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all rules and regulations. No individual viewing area shall be designed or operated to permit occupancy of more than one person at a time. To the extent this provision is inconsistent with any other provision of this code regulating the interior arrangement of adult-oriented businesses, this provision shall control.

13. All areas of the adult-oriented business shall be illuminated at a minimum of two foot-candles, minimally maintained and evenly distributed at ground level.
14. The individual viewing areas of the adult-oriented business shall be operated and maintained with no holes, openings or other means of direct visual or physical access between the interior spaces of two or more individual viewing areas.
15. No building, premises, structure, or other facility shall be permitted to contain more than one type of adult-oriented business as such types of adult-oriented business are defined in Section C, *Definitions*. For the purposes of this section, the catchall phrase "adult-oriented business" shall not be considered a single type of adult-oriented business.
16. No individual viewing area may be occupied by more than one person at any one time.
17. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business. No exterior door or window shall be propped or kept open at any time during hours of operation; any exterior windows shall be covered with opaque covering at all times.
18. No operator, entertainer, employee or agent shall show or display his or her human male or female genitals, pubic area or buttocks with less than a fully opaque covering, and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola. No permittee, owner or other person with managerial control over an adult-oriented business shall permit any person on the premises of the adult-oriented business to show or display his or her human male or female genitals, pubic area or buttocks with less than a fully opaque covering, and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.
19. No operator, entertainer, employee or agent of an adult-oriented business providing live entertainment shall permit to be performed, offer to perform or perform sexual intercourse, oral or anal copulation, fondling or physical stimulation of either clothed or unclothed human genitals, pubic regions, buttocks or female breasts with any patron.
20. No operator, entertainer, employee or agent of an adult-oriented business shall permit any patron to touch, caress, or fondle the clothes or unclothed breast, buttocks, anus or genitals of any operator, entertainer, employee or agent of an adult-oriented business providing live entertainment or permit any entertainer, operator, employee or agent to touch, caress or fondle the clothed or unclothed breasts, buttocks, anus, genitals of any patron.
21. If the place of entertainment is licensed to serve alcoholic beverages, the permittee shall abide by the rules and regulations dealing with the serving of alcoholic beverages as may be set forth by the State of Missouri, St. Louis County and/or the City of Valley Park.
22. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the state fire marshal or city fire chief standards and regulations and all applicable building and fire safety regulations and standards adopted by

the city. If an applicant or operator of an adult-oriented business proposes new construction, alteration, repair, reconstruction, renovation or rehabilitation, or change of use or conversion of any building or structure that requires a city building permit, then the applicant or operator shall be subject to all the requirements and conditions of the building (including, but not limited to, fire, electrical, plumbing, mechanical and disability access) codes, laws, regulations and standards in the same manner as for any other building or structure of the same type, size and occupancy classification.

No adult-oriented business shall be issued a permit or be permitted to operate within the city if state or federal law otherwise prohibits the business.

F. *Adult-oriented business entertainers.* If an adult-oriented business provides, presents, features or offers any entertainer on site, then the adult-oriented business and any entertainer at that business also shall comply with the following regulations (in addition to the other regulations of this chapter):

1. No person shall perform, engage in, present or participate in any entertainment except upon a stage that satisfies the following standards: it is at least eighteen inches above the level of the floor; the edge or front of the stage or stages is separated by a distance of at least ten feet from the nearest area occupied by patrons, there is a railing, fence, partition or other barrier on the front or edge of the stage or stages at least thirty inches in height that is capable of, and which actually results in, separating the entertainers on stage and patrons by at least ten feet. No patron shall be permitted within ten feet of the stage while an entertainer occupies the stage. No entertainer shall perform, engage in, present or participate in any entertainment within ten feet of any patron. This subsection shall not apply to individual viewing areas where the stage is completely separated from the viewing area, floor to ceiling, by glass or Plexiglas or a combination of wall and glass or Plexiglas or other permanent barrier.
2. Stage or entertainment areas shall not be open to view from outside the premises.
3. The premises shall provide separated dressing room facilities for entertainers that are exclusively dedicated to the entertainers' use.
4. The permittee shall provide an entrance/exit to the premises for entertainers that are separate from the entrance/exit used by patrons.
5. No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while on the adult-oriented business premises.
6. No patron shall directly pay or give any gratuity, gift or monetary tip to any entertainer and no entertainer shall accept direct payment or giving of gratuity, gift or monetary tip from any patron while on the adult-oriented business premises.
7. No entertainer shall show or display his or her human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered. The wearing of attire commonly referred to as pasties and a G-string as described in the definition of "entertainer" shall not be a violation of this provision.
8. If the occupancy limit of the premises, or that portion of the premises where entertainment is performed, is greater than fifty persons, at least one security guard will be on duty patrolling the premises, grounds and parking areas at all times while the business is open. An additional security guard will be on duty if the occupancy limit exceeds one hundred

persons. The security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this chapter. No security guard required pursuant to this provision shall act as a door person, ticket seller, ticket taker, admittance person, entertainer, waiter, bartender or food/drink server or attendant while acting as a security guard.

- G. *Permit duration.* An adult-oriented business permit shall be valid for a period of one year from the date of issuance.
- H. *Permit renewal.* An adult-oriented business permit shall be renewed on a year-to-year basis provided that the permittee and the adult-oriented business continue to meet the requirements set forth in this chapter. A request for permit renewal must be accompanied by a completed adult-oriented business permit application. If the renewal application conforms to the previously approved application and the adult-oriented business, permittee and owner have not changed, and the permittee and the adult-oriented business have satisfied the requirements set forth in this chapter, the Community Development Director shall renew the permit for another year. Any change or alteration in that nature or operation of the adult-oriented business will require the renewal to be reviewed by the Community Development Director pursuant to the standards of E. Application/findings/requirements. The renewal fee for an adult-oriented business permit shall be established by resolution of the Board of Aldermen. If a permit renewal is denied, the applicant may appeal the decision to the Board of Aldermen pursuant to K. Appeal of denial, suspension and revocation decisions; judicial review.
- I. *Permits non-transferable; use specific.* No adult-oriented business permit may be sold, transferred, or assigned by any permittee or by operation of law, to any other person, group, partnership, corporation or any other entity. Any such sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of the permit and the permit shall be thereafter null and void. An adult-oriented business permit held by a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the adult-oriented business from one element of an adult-oriented business to another element of an adult-oriented business or any increase of ten percent or more of the floor area of the adult-oriented business shall also render the permit null and void. An adult-oriented business permit shall only be valid for the exact location specified on the permit. No off-site presentations of entertainment shall be permitted. An adult-oriented business permit may be transferred to a new or different person, group, partnership, corporation or other entity or to a different location only pursuant to a new application filed and approved under this chapter.
- J. *Enforcement, revocation and suspension.*
1. *Inspections.* The adult-oriented business shall permit officers of the city of Valley Park, the county of St. Louis, and each of their authorized representatives to conduct unscheduled inspections of the premises of the adult-oriented business for the purpose of ensuring compliance with the law at any time the adult oriented business is open for business or occupied.
 2. *Revocation grounds.* The city may revoke or suspend an adult-oriented business permit for any of the following causes or reasons:
 - a. The adult-oriented business has been operated in violation of, or there has been a violation of or failure to comply with, any of the requirements of this chapter, including, but not limited to, E. Application/findings/requirements or F. Adult-oriented business entertainers;

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- b. It is discovered that the application contains incorrect, false or misleading information;
 - c. Any person has been convicted of a sex-related offense as a result of his or her activity on the premises of the adult-oriented business;
 - d. The permittee has ceased to meet the requirements for issuance of permit;
 - e. The permittee holder is convicted of a felony or misdemeanor which offense is classified by the State as an offense involving sexual crime against children, sexual abuse, rape, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to the violation of any crime requiring registration under the Missouri Penal Code, or any violation of any parts of the Missouri Penal Code;
 - f. If, on two or more occasions within a twenty-four month period, a person or persons has (have) been convicted of a felony or misdemeanor for an offense set forth in subsection (2)(f) as a result of such person's activity on the adult-oriented business premises, and the person or persons were employees, contractors or agents of the adult-oriented business at the time the offenses were committed; and
 - g. If the permittee or an employee, contractor or agents of the adult-oriented business has knowingly allowed prostitution, or solicitation for prostitution, on the premises.
3. *Revocation/Suspension Notice.* On determining that grounds for permit suspension or revocation exist, the Community Development Director shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent authority for the ground(s), and a brief statement of the factual matters in support of the proposed suspension or revocation. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least ten days prior to the hearing date.
4. *Revocation/Suspension Hearings.* Hearings shall be conducted by the planning commission. All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. After holding the hearing in accordance with the provisions of this section, if the planning commission finds and determines that there are grounds for disciplinary action, based upon the severity of the violation, the planning commission shall impose one of the following: (1) a warning, (2) suspension of the permit for a specified period not to exceed one year; or (3) revocation of the permit. These remedies are not exclusive, and instead are in addition to any other remedy or proceeding permitted by state law or other county ordinance. The planning commission's decision shall be in writing. Any permittee aggrieved by a decision of the planning commission may appeal the decision pursuant to K. Appeal of denial, suspension and revocation decisions; judicial review.
5. *Cession of permitted use.* In addition to the foregoing, an adult-oriented business permit shall be deemed revoked and terminated if the use for which the permit was granted has ceased, been abandoned or been suspended for a period of twelve or more consecutive months. The Community Development Director may determine whether or not an adult-oriented business has ceased operation, been abandoned or been suspended within

the meaning of this subsection. The Community Development Director may mail notice of such a determination to the permittee, who may appeal the determination in the same manner as a permit revocation

6. *Permittee aggrieved.* If a permittee is aggrieved by a suspension or revocation decision of the planning commission (or a determination under subsection (5) fails to timely file an appeal with the Board of Aldermen within ten (10) days as provided by K. Appeal of denial, suspension and revocation decisions; judicial review, then the suspension or revocation decision or Community Development Director determination shall take effect upon expiration of the ten-day (10) period.
7. *Declaration of public nuisance.* Any business established, operated, conducted or maintained contrary to the provisions of this section is unlawful and hereby declared to constitute a public nuisance. The city may commence an appropriate civil action(s) or proceeding(s) for the abatement, removal and enjoinder of the nuisance in the manner provided by law, to enforce any permit suspension, revocation or non-renewal, and/or for such other relief as will abate or remove the adult-oriented business and restrain and enjoin any person from operating, conducting or maintaining such a business contrary to the provisions of this chapter. Notwithstanding any other provision of this code, a violation of any provision of this chapter shall not constitute a felony, misdemeanor, infraction or other crime, but rather shall be enforced by appropriate civil action.

K. *Appeal of denial, suspension and revocation decisions; judicial review.*

1. After denial of an application for an adult-oriented business permit, after denial of renewal of such a permit, or after suspension or revocation of such a permit, the aggrieved applicant or permittee may appeal such administrative action or decision to the Board of Aldermen by filing a notice of appeal with the city clerk within ten days of the date of the challenged action or decision. The Board of Aldermen shall hear the appeal in accordance with the same hearing procedures and standards set forth in J. Enforcement, revocation and suspension, 4. Revocation/Suspension Hearings. The Board of Aldermen may affirm, reverse or modify the decision of the planning commission or Community Development Director. The Board of Aldermen's appeal hearing shall be held and a decision rendered by resolution adopted within thirty days of the filing of the notice of appeal, unless this time is extended by mutual agreement of the city and appellant.
2. The denial, suspension and revocation of permits under this chapter shall be subject to prompt judicial review and decision. If a permit denial, suspension or revocation decision is affirmed on review by the Board of Aldermen, the applicant or permittee may seek judicial review of the council's decision.
3. If a permittee seeks judicial review of a permit non-renewal, suspension or revocation decision, then the permit non-renewal, suspension or revocation will be stayed as follows:
 - a. If the permittee files and serves a petition for writ of mandate under the municipal code within twenty-one days after the final Board of Aldermen decision on the appeal, then the permit non-renewal, suspension or revocation shall be stayed pending a trial court decision. If affirmed by the trial court, the permit non-renewal, suspension or revocation shall take effect immediately, unless otherwise provided by court order or applicable law.
 - b. If the permittee fails to timely file and serve a petition for writ of mandate under the municipal code within twenty-one days after the final Board of Aldermen decision on the appeal, then the permit non-renewal, suspension or revocation shall take effect

upon expiration of the twenty-one-day period.

SECTION 405.620: MOTOR VEHICLE ORIENTED BUSINESS REGULATIONS

- A. *Motor Vehicle Oriented Business, Defined.* Any commercial business which, by design, type of operation, and nature of business, has as one (1) of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span for each, or the provision of services to the occupants of the motor vehicle while they remain in the vehicle. The list of businesses subject to this Chapter include convenience stores, gasoline service stations, drive-in banks, drive-in restaurants, drive-in beverage sales, and car wash operations, which examples are not intended as an inclusive list of such businesses.
- B. Motor vehicle oriented business may only be permitted as a conditional use in the "C-1" Commercial District, the "C-2" Commercial District, the "I-1" Light Industrial District, or the "PD-C" Planned Development Commercial District, as indicated in Appendix "A" of this Title. When approved as a conditional use, the MVOB must comply with all applicable requirements of Article X, Section 405.620.
- C. *Locational requirements.* All motor vehicle oriented businesses must be a minimum of one hundred fifty (150) feet from other motor vehicle oriented businesses, which distances shall be computed as follows:
1. For such businesses on the same side of the street, a minimum of one hundred fifty (150) feet between the two (2) closest property lines, said minimum distance, however, being subject to the effect of the additional requirements set forth in Subsections (B) and (C).
 2. For such businesses on opposite sides of the street, no such business shall be allowed on a lot where a line, drawn from both or either front corner of said proposed lot, across the street and perpendicular to the street right-of-way on which the proposed lot fronts, crosses the right-of-way on the opposite side of the street at a point less than one hundred fifty (150) feet from the closest property corner of an already existing or approved motor vehicle oriented business lot on said opposite side of the street.
 3. For four (4) corner intersections, two (2) motor vehicle oriented businesses may be allowed at such an intersection but only on diagonally opposite corners, regardless of their distance from one another, however, no other motor vehicle oriented businesses shall be allowed within one hundred fifty (150) feet of those intersection corners that are unoccupied nor within one hundred fifty (150) feet of the property lines of those motor vehicle oriented businesses so situated on corner lots.
- D. *Site Design Standards.* The following site design standards shall be met for all motor vehicle oriented businesses:
1. *Minimum lot area.* Twenty thousand (20,000) square feet.
 2. *Minimum lot frontage.* One hundred fifty (150) feet (on corners, the frontage requirements shall apply to only one (1) side).
 3. *Lot area per pump island for gasoline service stations.* Gasoline service stations shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service bay and three (3) pumps may be added for each one thousand (1,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any gasoline service station nor more than three (3) pumps permitted on each island and no more than three (3) service bays shall be allowed for each such station.
 4. *Setbacks.* From public streets and property lines shall be as follows:

- a. *Front yard.*
 - (1) There shall be a front yard having a depth of not less than thirty (30) feet. Front yards shall conform to minimum standard widths of streets and roads, and to future street and highway widenings according to the setback lines herein provided for. Front yards shall be measured from proposed right-of-way lines where setback lines are herein established, and otherwise from an actual or potential right-of-way of fifty (50) feet wide road, street or highway.
 - (2) Where a lot is located at the intersection of two (2) or more streets, the front yard requirements shall apply to each street, except that the buildable width of the lot shall not be reduced to less than thirty (30) feet in which latter event the Planning and Zoning Commission may waive this requirement to the street which will least affect other property values. No accessory building, service islands, and other service or pick-up facilities shall project beyond the front building setback line.
 - b. *Side yard.* There shall be a side yard on each side of the building of not less than six (6) feet. Side yard requirements shall be twenty-five (25) feet where abutting any residential district.
 - c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.
- E. *Used Oil Storage.* All used oils and other similar materials and products shall be stored only in underground or inside areas.
- F. *Vehicular Areas.*
- 1. The entire area used by vehicles for parking, storage and service, etc., shall be paved with bituminous concrete, concrete, or other material approved by the Community Development Director.
 - 2. A raised concrete curb shall be placed at the edge of all pavements.
 - 3. All hydraulic hoists, pits, lubrication, washing, repair, and service not of an emergency nature or unusual short-term minor work shall be conducted entirely within a building.
- G. *Ingress and Egress.*
- 1. The minimum width of driveways at the property line shall be twenty-four (24) feet and not greater than thirty-six (36) feet.
 - 2. The minimum distance of any driveway to property line shall be fifteen (15) feet.
 - 3. Driveway openings shall be limited to one (1) drive per one hundred (100) feet of lot width.
 - 4. The minimum distance a driveway into the site shall be from a street intersection shall be thirty (30) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
 - 5. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and shall be approved by the Community Development Director.
 - 6. Motor vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- H. *Screening.* All motor vehicle oriented businesses shall provide for screening and buffer areas in a manner which conforms to the regulations set forth in Section 405.170 and Article VII of the Zoning Code, relative thereto, and all other applicable ordinances of the City of Valley Park, Missouri.
- I. *Landscaping and Open Space.*
- 1. All areas of the site not paved shall be landscaped with a mixture of trees and grass or any

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- combination of trees, shrubs, flowers, grass, or other living ground cover to retard water runoff, restrict blowing trash, and deter improper and unsafe access and site use by the public. Trees shall be of three (3) inch caliper measured six (6) inches from the ground level. Street areas not approved for driveways shall be planted in grass.
2. Landscaped areas shall constitute at least thirty percent (30%) of the site area.
 3. Pavement shall not be allowed in front or side yard street setbacks except for driveways.
 4. All landscaping plant materials shall be kept alive and in excellent condition.
 5. Landscaped areas shall not be used for the purpose of storing vehicles, trailers, or other equipment.
 6. All paved and landscaped areas shall, at all times, be kept in good repair and in excellent condition, in accordance with this and other ordinances of the City of Valley Park and the continuous maintenance of said areas is to be the responsibility of the owners and/or lessees of the property.
- J. *Lighting.* Exterior lighting proposed for use on the site shall be planned, erected and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. The light source shall be high pressure sodium and shall not be higher than twenty (20) feet and shall not be visible from adjacent properties or public rights-of-way.
- K. *Parking.* All motor vehicle oriented businesses shall provide for off-street parking in a manner which conforms with the regulations set forth in Article VII of the Zoning Code and all other applicable ordinances of the City of Valley Park, Missouri.
- L. *Signs.* All signs on the site shall conform to the regulations set forth in Sections 515.010--515.150 of this Code.
- M. *Storage of Merchandise.* All merchandise and material for sale and all vending machines shall be displayed within an enclosed building except for the following:
1. Oil for use in motor vehicles may be displayed or sold from an appropriate rack or compartment at the gasoline station pump islands for the convenience of the customer and station attendant.
- N. *Storage of Flammable Materials.* Flammable materials used in the conduct of motor vehicle oriented businesses shall be stored within the building setback lines and in below ground storage tanks. Proper care shall be exercised in proposed above or below the ground storage containers to protect public safety.
- O. *Other Conditions.* The Planning and Zoning Commission may recommend, and the Board of Aldermen may require, provisions for other conditions which will tend to eliminate or reduce public nuisances caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of the Zoning Code.
- P. *Buildings and Structures Compatibility.* All proposed motor vehicle oriented businesses' buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area, and shall not be in conflict with the character of existing structures in areas where a definite pattern or style has been established.
- Q. *Vacant Motor Vehicle Oriented Businesses' Buildings.* When a motor vehicle oriented businesses' building becomes vacant for a period exceeding one (1) year, the property owner shall be required to remove or treat in a safe manner approved by the Community Development Director all flammable materials, storage tanks or areas.
- R. *Termination or Lapse of Special Use Permit.*
1. When a motor vehicle oriented businesses' special use permit is authorized by the Board of

- Aldermen, the continuation of such use shall be dependent upon the conditions established under the permit and this Section; and in the event of a change of conditions or non-compliance of conditions, the Board of Aldermen shall have the responsibility and right to terminate or revoke the special use permit.
2. When a motor vehicle oriented businesses' building becomes vacant and its special use permit not utilized for a period of one (1) year, the permit shall lapse and the use of the land thereafter conform to the use permitted in the zoning district in which it is located.
- S. *Non-Conforming Motor Vehicle Oriented Businesses.* Existing motor vehicle oriented businesses which do not comply with the regulations and conditions of this Chapter shall be considered to be non-conforming and allowed to continue; however, all non-conforming motor vehicle oriented businesses shall comply with the following requirements within one (1) year after written notification by the City Building Commissioner of items which must be corrected.
1. Whenever a motor vehicle oriented business is located adjacent to a residential district or residential use on the ground floor, appropriate screening as provided for in Subsection (H) of this Section shall be installed.
 2. All exterior lighting shall conform to the lighting requirements in Subsection (J) of this Section.
 3. All trash storage areas shall provide suitable storage of trash with areas which are so designed and constructed as to allow no view of the trash storage from the street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.
 4. All storage of merchandise for sale, including vending machines, shall be made to conform with the requirements of Subsection (M) of this Section.
- T. *Rental Vehicles.* When the rental of equipment, automobiles, trucks and trailers is to be conducted on a motor vehicle oriented business site, additional land area and paved area shall be provided in addition to the driveway, parking area and landscape areas required by this Section for a normal motor vehicle oriented business operation. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or driveways.
- U. *Underground Utilities.* All utility lines on the site shall be installed underground. (Ord. No. 916 §1, 4-4-88; Ord. No. 1489 §1, 2-7-00)

SECTION 405.625: FLOOD HAZARD PREVENTION

Editor's Note--Ord. no. 1701 §1, adopted March 20, 2006, repealed ch. 415 and enacted new provisions set out herein. Former ch. 415 derived from CC 1984 §§14-46--14-67; ord. no. 586 §1, 8-20-75; ord. no. 1110 Art. I--VII, 7-6-93; ord. no. 1233 §§1--3, 7-3-95; ord. no. 1390 §1, 4-20-98.

Cross References--Building and building regulations, chs. 500 and 505; water and sewers, chs. 535 and 540; subdivisions, ch. 410.

A. Statutory Authorization, Findings of Fact and Purposes

1. *Statutory Authorization.* The legislature of the State of Missouri has, in Section 89.020, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Board of Aldermen of the City of Valley Park, Missouri, ordains as follows.

(Ord. No. 1701 §1, 3-20-06)

2. *Findings Of Fact*

a. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of Valley Park, 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 development in any delineated floodplain causing increases in flood heights and velocities; and

(2) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated or otherwise unprotected from flood damages.

c. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

(1) Selection of a base flood that 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 Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which would be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS and illustrative materials dated August 23, 2000, as amended, and any future revisions thereto.

(2) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

(3) Computation of a 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 development is permitted that would cause any increase in flood height.

(5) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood. (Ord. No. 1701 §1, 3-20-06)

3. *Statement of Purpose.* It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in A. Statutory Authorization, Findings of Fact and Purposes; 2.a; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

a. 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;

b. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

c. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard. (Ord. No. 1701 §1, 3-20-06)

B. General Provisions

1. *Lands to Which Chapter Applies.* This Chapter shall apply to all lands within the jurisdiction of the City of Valley Park identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated February 23, 2000, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the participants of the community and as specifically noted in D. Provisions for Flood Hazard Reduction of this Chapter. (Ord. No. 1701 §1, 3-20-06)
2. *Floodplain Administrator.* The Community Development Director is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. 1701 §1, 3-20-06)
3. *Compliance.* No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. No. 1701 §1, 3-20-06)
4. *Abrogation and Greater Restrictions.* It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Ord. No. 1701 §1, 3-20-06)
5. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, 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. (Ord. No. 1701 §1, 3-20-06)
6. *Warning and Disclaimer of Liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purpose and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Valley Park, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. No. 1701 §1, 3-20-06)
7. *Severability.* If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or valid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. No. 1701 §1, 3-20-06)

C. Administration

1. *Floodplain Development Permit (Required).* A floodplain development permit shall be required for all proposed construction or development, including the placement of manufactured homes, in the areas described in B. General Provisions;1 of this Chapter. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate

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- floodplain development permit for each structure or other development. (Ord. No. 1701 §1, 3-20-06)
2. *Designation of Floodplain Administrator.* The Community Development Director is hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. 1701 §1, 3-20-06)
 3. *Duties and Responsibilities of Floodplain Administrator.* Duties of the Floodplain Administrator shall include, but not be limited to:
 - a. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
 - b. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
 - c. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
 - d. Issue floodplain development permits for all approved applications;
 - e. Notify adjacent communities and the State Emergency Management Agency (SEMA) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 - f. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
 - g. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
 - h. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
 - i. When floodproofing techniques are utilized for a particular non-residential structure, the Community Development Director shall require certification from a registered professional engineer or architect. (Ord. No. 1701 §1, 3-20-06)
 4. *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 floodplain development permit application shall:
 - a. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed structure or work;
 - b. Identify and describe the work to be covered by the floodplain development permit;
 - c. Indicate the use or occupancy for which the proposed work is intended;
 - d. Indicate the assessed value of the structure and the fair market value of the improvement;
 - e. Specify whether development is located in designated flood fringe or floodway;
 - f. Identify the existing base flood elevation and the elevation of the proposed development;
 - g. Give such other information as reasonably may be required by the Community Development Director;
 - h. Be accompanied by plans and specifications for proposed construction; and
 - i. Be signed by the permittee or his authorized agent who may be required to submit

evidence to indicate such authority. (Ord. No. 1701 §1, 3-20-06)

D. Provisions for Flood Hazard Reduction

1. General Standards

- a. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A Zones and AE Zones, unless the conditions of this Section are satisfied.
- b. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- c. Until a floodway is designated, no new construction, substantial improvements or other development, including fill, shall be permitted within any numbered A Zone or AE Zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- d. All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
 - (1) Design or adequate anchorage to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Construction with materials resistant to flood damage;
 - (3) Utilization of methods and practices that minimize flood damages;
 - (4) All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (5) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 - (6) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are 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 and constructed to minimize or eliminate flood damage;
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (d) All proposals for development, including proposals for manufacture home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- e. *Storage, Material and Equipment.*
 - (1) The storage or processing of materials within the special flood hazard area are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

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- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
- f. *Agricultural Structures.* Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
- g. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any structure on the site, of limited investment value and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued. (Ord. No. 1701 §1, 3-20-06)
2. *Specific Standards.* In all areas identified as numbered and unnumbered A Zones and AE Zones, where base flood elevation data have been provided as set forth in D. Provisions for Flood Hazard Reduction; 1.b, the following provisions are required:
- a. *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.
- b. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight 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 professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in C. Administration; 3.i of this Chapter.
- c. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. No. 1701 §1, 3-20-06)

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3. *Manufactured Homes*
- a. All manufactured homes to be placed within all unnumbered and numbered A Zones and AE Zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - b. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A Zones and AE Zones on the community's FIRM on sites:
 - (1) Outside of manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) 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 manufacture home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - c. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A Zones and AE Zones on the community's FIRM, that are not subject to the provisions of D. Provisions for Flood Hazard Reduction; 3.b of this Chapter, be elevated so that either:
 - (1) The lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
(Ord. No. 1701 §1, 3-20-06)
4. *Floodway*. Located within areas of special flood hazard established in B. General Provisions; 1 of this Chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:
- a. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
 - b. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - c. If D. Provisions for Flood Hazard Reduction; 4.b is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction

provisions of D. Provisions for Flood Hazard Reduction.

- d. In unnumbered A Zones, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources as set forth in D. Provisions for Flood Hazard Reduction; 1.b of this Chapter. (Ord. No. 1701 §1, 3-20-06)

5. *Recreational Vehicles*. Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones and AE Zones on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days; or
 - b. Be fully licensed and ready for highway use*; or
 - c. Meet the permitting, elevation and the anchoring requirements for manufactured homes of this Chapter.

* 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. (Ord. No. 1701 §1, 3-20-06)

E. Floodplain Management Variance Procedures

1. *Establishment of Appeal Board*. The Board of Aldermen as established by the City of Valley Park shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. 1701 §1, 3-20-06)
2. *Responsibility of Appeal Board*. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Community Development Director, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board as defined in E. Floodplain Management Variance Procedures; 1 of this Chapter. The Board of Aldermen shall hear and decide appeals where it is alleged that there is an error in any requirement, decision or determination made by the Community Development Director in the enforcement or administration of this Chapter. (Ord. No. 1701 §1, 3-20-06)
3. *Further Appeals*. Any person aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Circuit Court of St. Louis County as provided in Section 89.110, RSMo. (Ord. No. 1701 §1, 3-20-06)
4. *Floodplain Management Variance Criteria*. In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:
 - a. The danger to life and property due to flood damage;
 - b. The danger that materials may be swept onto other lands to the injury of others;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations, not subject to flood damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

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- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
 - k. 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; streets; and bridges. (Ord. No. 1701 §1, 3-20-06)
5. *Conditions for Approving Floodplain Management Variances*
- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
 - c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) 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 ordinances.
 - f. A community shall notify the applicant in writing over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property.
 Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Ord. No. 1701 §1, 3-20-06)
6. *Conditions for Approving Variances for Agricultural Structures*
- a. Any variance granted for an agricultural structure shall be decided individually based on a case-by- case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in E. Floodplain Management Variance Procedures; 4. and 5. of this Chapter.
 - b. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.
 - (1) All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure

is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure.

Residential structures, such as farmhouses, cannot be considered agricultural structures.

- (2) Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with D. Provisions for Flood Hazard Reduction; d.(2) of this Chapter.
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structures in accordance with D. Provisions for Flood Hazard Reduction; 1.d.(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.
- (5) Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with D. Provisions for Flood Hazard Reduction; 1.d.(4) of this Chapter.
- (6) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with D. Provisions for Flood Hazard Reduction; 2, c of this Chapter.
- (7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of 4. Floodway; 2 of this Chapter. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (8) Major equipment, machinery or other contents must be protected from any flood damage.
- (9) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.
- (10) A community shall notify the applicant in writing over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this Chapter.
- (11) Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance

of any floodplain development permit for construction. (Ord. No. 1701 §1, 3-20-06)

7. *Conditions for Approving Variances for Accessory Structures*

- a. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in E. Floodplain Management; 4 and 5 of this Chapter.
- b. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
 - (1) Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
 - (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with D. Provisions for Flood Hazard Reduction; 1.d.(2) of this Chapter.
 - (3) The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with D. Provisions for Flood Hazard Reduction; 1.d.(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.
 - (4) Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with D. Provisions for Flood Hazard Reduction; 1.d.(4) of this Chapter.
 - (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with D. Provisions for Flood Hazard Reduction; 2.c of this Chapter.
 - (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of 4. Floodway; 2 of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
 - (7) Equipment, machinery or other contents must be protected from any flood damage.
 - (8) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
 - (9) A community shall notify the applicant in writing over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and

property.

Such notification shall be maintained with the record of all variance actions as required by this Chapter.

- (10) Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. 1701 §1, 3-20-06)

F. Penalties for Violation

1. *Penalties for Violation.* Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation constitutes shall be considered a separate offense. Nothing herein contained shall prevent the City of Valley Park or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 1701 §1, 3-20-06)

G. Amendments

1. *Amendments.* The regulations, restrictions and boundaries set forth in this Chapter 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 of 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 Valley Park. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Ord. No. 1701 §1, 3-20-06)

H. Definitions – Definitions applicable to Section 405.625: Flood Hazard Prevention are located in Article II. Rules and Definitions.

ARTICLE XI. ADMINISTRATION AND ENFORCEMENT

SECTION 405.630: SCOPE OF PROVISIONS

This Section contains the regulations pertaining to administration and enforcement of the provisions of this Chapter, issuance of permits and certifications, inspection of property, and issuance of stop work, stop use orders, and enforcement of violations of the provisions of this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.640: BUILDING COMMISSIONER -- DUTIES

This Chapter shall be administered and enforced by the Building Commissioner and the term Building Commissioner as used elsewhere in this Chapter shall include all designees, who shall have the following duties with respect to this Chapter. The Building Commissioner:

1. Shall enforce the provision of this Chapter by means of the duties delineated herein. In

addition, the Building Commissioner shall enforce all regulations and conditions governing development of any and all projects permitted by this Chapter either of right or following approval by the Planning and Zoning Commission, Board of Aldermen, or Board of Adjustment pursuant to this Chapter.

2. May designate one (1) or more additional members of the Department, as well as members of other City departments who have a particular skill or competence, to act for the Building Commissioner.
3. May determine the actual location of a boundary line between zoning districts, where such line does not coincide with a property line or district boundary line. Such determination shall be subject to appeal before the Board of Zoning Adjustment in accordance with Article XIII.
4. Shall approve building permits. Such approval shall be by approval of the building plans required by the Valley Park Building Code, except as otherwise provided by this Chapter.
5. Shall approve occupancy or other appropriate permits.
6. May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this Chapter by issuing a stop work or stop use order.
7. May refer any violation of the Zoning Code to the City Attorney for prosecution or other appropriate action when deemed necessary.
8. May adopt such administrative policies as he/she deems necessary to the carrying out of his/her enforcement responsibilities, which policies shall have general applicability to cases of similar character.
9. Certify whether any lot or parcel of land in the City lies within or outside of the "FP" Flood Plain District, and shall collect a fee for the issuance of said certification as provided in this Chapter.
10. Shall as administrative officer of the Planning and Zoning Commission, perform duties as are indicated in this Chapter. The Building Commissioner may designate one (1) or more members of the Department who have particular skill or competence to act in the Building Commissioner's place, and the term, "Building Commissioner" as used elsewhere in this Chapter shall be deemed to include such designees. (Ord. No. 916 §1, 4-4-88)

SECTION 405.650: PERMITS, ORDER AND CERTIFICATIONS

A. Building Permits.

1. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the Building Commissioner for a building permit to do so and a building permit has been granted thereof. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.
2. Blank forms shall be provided by the Building Commissioner for the use of those applying for permits as provided in this Chapter. Any permits issued by the Building Commissioner shall be on standard forms for such purpose. There shall be a separate permit for each building or structure to be constructed, altered, or erected except for accessory buildings which may be included in the permit for the principal building when

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- construction is simultaneous.
3. Any building permit under which no construction work has been commenced within six (6) months after the date of issuance of said permit or under which proposed construction has not been completed within two (2) years of the time of issuance shall expire by limitation.
- B. *Voiding of Building Permit.* A permit may be revoked by the Building Commissioner at any time prior to the completion of the building or structure for which the same was issued, when it shall appear to him/her that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, or that any provisions of this Chapter are being violated. Written notice of such revocation shall be served upon the owner, his/her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, via a stop work order, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
- C. *Occupancy Permits.* No building or structure or part thereof, other than single-family residential shall hereafter be constructed or altered until issuance of a proper permit. No new use, extension or alteration of an existing use, or conversion from one (1) use to another, shall be allowed in any building, structure or land or part thereof until issuance of a proper permit; except that no permit shall be required for the raising of agricultural crops, orchards or forestry. No occupancy permit shall be issued for any use or change in use unless such use or change is in use is in conformity with the provisions of this Chapter.
- D. *Voiding of Occupancy Permit.* Any occupancy permit granted under this Chapter shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and construction completed within three hundred sixty (360) days of the date of issuance.
- E. *Stop Work Orders.* The cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this Chapter may be effected by posting a stop work or stop use notice on the premises or by notice in writing to the owner of the property involved or to his/her agents or to the person doing the work, in the case of a stop work order, stating the nature of the violation.
- F. *Floodplain Certification.* Applications for flood plain certification shall be upon the form designated by the Building Commissioner, and shall include the locator number of the parcel of land for which certification is sought.
- G. *Compliance with Permits and Certificates.* Permits or certificates issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided by Section 405.680, herein. (Ord. No. 916 §1, 4-4-88)

SECTION 405.660: ENTRY AND INSPECTION OF LAND AND BUILDINGS

- A. The Planning and Zoning Commission or its authorized representatives are hereby empowered in the performances of their functions, to enter upon any land in Valley Park for the purpose of making inspection, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards effecting the provisions of this Chapter. The above authorized person or persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Chapter.
- B. The Building Commissioner is authorized to inspect or cause to be inspected any building or

other structure or any land on which work is in progress and report to the Director of Public Works any suggested stoppage of work. (Ord. No. 916 §1, 4-4-88)

SECTION 405.670: FEES, CHARGES, AND EXPENSES

The Board of Aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates, appeals, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Building Commissioner and City Clerk and may be altered or amended only by the Board of Aldermen. No permit, certificate, conditional use, approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Chapter have been paid in full, nor shall any action be taken on proceedings before the Board of Aldermen, unless or until fees have been paid in full. (Ord. No. 916 §1, 4-4-88)

SECTION 405.680: VIOLATIONS AND PENALTIES

- A. Uses of land, and dwellings, buildings or structures, including tents and mobile homes, erected, altered, razed, or converted contrary to any provision of this Chapter are hereby declared to be a violation. Any person, firm or corporation making an alteration to real property within the City limits of Valley Park, Missouri, including but not limited to driveways, fences, additions to homes and businesses, and any building activity regulated by City ordinance or Code, who fails to obtain the proper permits prior to commencing construction shall be in violation of this Chapter.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- C. In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.690: ILLEGAL SEWER CONNECTIONS

The Building Commissioner shall prior to the issuance of an occupancy permit for a newly erected, reconstructed or structurally altered building cause tests to be made in conjunction with the Metropolitan Sewer District to determine if any illegal connections have been made between the surface water or storm water drainage system and the sanitary drainage system. If any such illegal connection shall be found the Building Commissioner shall not issue said occupancy permit until he/she is satisfied that said illegal connection is removed. The Building Commissioner

shall, immediately on finding of an illegal connection as stated above, by written notice give the offending party or parties thirty (30) days to correct said condition. If said condition shall not be corrected within said thirty (30) days, the Building Commissioner shall file a complaint in the Police Court of the City of Valley Park against the offending party or parties and each day of non-compliance after filing of said complaint shall be considered a separate offense. (Ord. No. 916 §1, 4-4-88)

ARTICLE XII. AMENDMENTS

SECTION 405.700: REQUIREMENTS

The Board of Aldermen shall have the authority to amend, supplement, change, modify, or repeal by ordinance the text or map of the zoning ordinance in accordance with the provisions of this Article.

1. *Text amendments.* An application for amendment to the written text of this Zoning Code may be filed in the office of the City Clerk for consideration by the Commission and the Board of Aldermen. Such application may be initiated by any member of the Board of Aldermen or the Commission or filed with the City Clerk by any other elected or appointed official of the City.
2. *Rezoning.* An application for a change in the zoning district designation as described by the Official Zoning Map may be filed in the office of the City Clerk, for consideration by the Commission and the Board of Aldermen. Such application may be filed by the Mayor, any member of the Board of Aldermen, the Planning and Zoning Commission, or the Building Commissioner, by any other appointed or elected official of the City, or by any person with financial, contractual, or proprietary interest in the property to be included in the proposed change of zoning. (Ord. No. 916 §1, 4-4-88)

SECTION 405.710: APPLICATION AND SUBMISSION REQUIREMENTS

- A. The application shall be made on a form provided by the City Clerk's office. Said application shall be signed by the applicant and shall state name and address, as well as:
 1. *Text amendments.* An application for an amendment to the text of this Chapter shall set forth the new text to be added and existing text to be deleted.
 2. *Rezoning.* An application for a Zoning Map change shall include:
 - a. A legal description of the property.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The name, phone number and address of the petitioner.
 - d. The petitioner's interest in the property, and if the petitioner is not the owner, the name, phone number and address of the owner(s).
 - e. Date of filing with the City Clerk.
 - f. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
 - g. The present and proposed zoning.
 - h. A complete list of the names and addresses of all property owners within two hundred (200) lineal feet of any point of the property, including those property owners across

street rights-of-way and railroad rights-of-way.

- B. An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures governing the same as adopted by the Planning and Zoning Commission. In all cases where an application is initiated by a private party, the application shall be accompanied by the fee established by the Board of Aldermen and on file in the office of the City Clerk. (Ord. No. 916 §1, 4-4-88)

SECTION 405.720: HEARINGS BEFORE PUBLIC BODIES

- A. All such applications shall be set down for hearing before the Commission not later than the second (2nd) regular monthly meeting of the Commission from the date of filing the same. Any such hearing may, for good cause at the request of the applicant or in the discretion of the Commission, be continued. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official newspaper or a newspaper of general circulation within the City and cause a sign or signs to be placed on each parcel of land on which an application for a zoning district change has been filed with the Zoning Commission. Such sign or signs shall be placed on such land at least fifteen (15) days prior to the public hearing to be held by the Zoning Commission, and shall be posted in a conspicuous place upon such land at a point nearest to the right-of-way of any street or roadway abutting such land, and so as to be clearly visible to the travelled portion of such street or roadway. The Building Commissioner shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this Section. Such public notice sign shall contain information indicating the date and time of public hearing, zoning change requested, place where the public hearing is to be held and additional information determined necessary to inform the public as to the nature of the pending petition.
1. The applicant will be responsible for notifying by mail all property owners within the City limits whose property lies within two hundred (200) lineal feet of that which has been requested to be rezoned. Such notice shall be postmarked at least fifteen (15) days prior to the hearing.
 2. Upon the final hearing of such application, the Commission shall approve, conditionally approve, or deny the same and a report of its action, together with a recommendation for final approval or denial, shall be made by the Commission to the Board of Aldermen.
 3. Before acting upon any application for amendment, the Board of Aldermen shall set a time and place for a hearing thereon, and at least fifteen (15) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City.
- B. The Board of Aldermen may refer the application back to the Planning and Zoning Commission for additional study before final decision; however, no notice other than for the first (1st) public hearing need be given. (Ord. No. 916 §1, 4-4-88; Ord. No. 1346 §1, 7-21-97)

SECTION 405.730: FINDINGS OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning and Zoning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Board. The facts to be considered by the Commission shall include but not be limited to, the following:

1. How the proposed amendment would conform to the comprehensive plan.
2. Why the existing zone district classification of the property in question is inappropriate or

improper.

3. What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the comprehensive plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate:
 - a. List such changes.
 - b. Describe how said changes were not anticipated by the comprehensive plan.
 - c. Describe how said changes altered the basic character of the area.
 - d. Describe how said changes make the proposed amendment to the Zoning District Map appropriate. (Ord. No. 916 §1, 4-4-88)

SECTION 405.740: BURDEN OF PROOF

In assessing the relevance or acceptability of a rezoning application, the burden of proof in justifying the request under the criteria outlined in Section 405.730 shall rest with the applicant, both before the Planning and Zoning Commission as well as the Board of Aldermen. (Ord. No. 916 §1, 4-4-88)

SECTION 405.750: APPROVAL OF REQUEST

- A. *Confirming Planning and Zoning Commission Recommendation.* All text and amendments to the zoning map, as described herein, shall require only a simple majority vote by the Board of Aldermen in those instances where the recommendation of the Planning and Zoning Commission is in favor of the request.
- B. *Overruling Planning and Zoning Commission Recommendation.* In those instances where the Planning and Zoning Commission recommends denial of the request, a seventy-five percent (75%) majority vote of the Board of Aldermen shall be required to reverse the recommendation of said Commission.
- C. *Citizen Protests.* In case a protest against such revision or amendment is presented, duly signed, notarized, and acknowledged by the owners of more than thirty percent (30%) of the areas of the land (exclusive of streets and alleys) included in such proposed change, or thirty percent (30%) of the owners 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 revision or amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all of the members of the Board of Aldermen.
- D. *Approval of Rezoning Portion of Property.* The Planning Commission may recommend that a petition for a change of zoning district classification be approved or denied for all or part of the property described in the petition. The Board of Aldermen may enact by ordinance such a partial granting of a petition for a change in zoning district classification.
- E. *Approval of Different Classification.* The Planning and Zoning Commission may recommend and the Board of Aldermen may enact by ordinance a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner. District classification of the same type as referred to in this Section shall include the "PD" Planned District when a petitioner proposes a particular use and presents plans at or prior to the public hearing which are substantially similar to those required by the "PD" rezoning procedures respectively. (Ord. No. 916 §1, 4-4-88)

SECTION 405.760: WITHDRAWAL

Any amendment request, regardless of its source of initiation, may be withdrawn upon receipt of written notice to the Building Commissioner by the applicant from consideration at any point in the approval process, prior to final action on the request by the Board of Aldermen. (Ord. No. 916 §1, 4-4-88)

SECTION 405.770: REAPPLICATION

In the event that any application to amend the Zoning Map is denied on final review by the Board of Aldermen, as reapplication for the purposes of further review of the same application shall not be accepted by the City until six (6) months following the date of final action on the original application has elapsed, unless it can be shown to the satisfaction of the Planning and Zoning Commission that substantial new evidence not available during review of the original application will be presented. (Ord. No. 916 §1, 4-4-88)

SECTION 405.780: ZONING DESIGNATIONS OF NEWLY ANNEXED TERRITORY

A newly annexed area will retain the City zoning district equivalent of its County zoning until the City zoning process is completed. (Ord. No. 916 §1, 4-4-88)

ARTICLE XIII. BOARD OF ZONING ADJUSTMENT

SECTION 405.790: ESTABLISHMENT

A Board of Adjustment is hereby established in accordance with Chapter 89, RSMo., regarding the zoning of Cities. (Ord. No. 916 §1, 4-4-88)

SECTION 405.800: MEMBERSHIP

The Board of Adjustment shall consist of five (5) members, who shall be residents of the City. The membership of the first (1st) Board of Adjustment appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board of Adjustment shall elect its own Chairman who shall serve for one (1) year. (Ord. No. 916 §1, 4-4-88)

SECTION 405.810: MEETING AND VOTING

The Board of Adjustment shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. Such Chairman, or, in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes

of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment, and shall be public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board of Adjustment for that purpose. (Ord. No. 916 §1, 4-4-88)

SECTION 405.820: POWERS AND DUTIES

A. The Board of Adjustment shall have the following powers and duties:

1. *Appeals.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of these regulations.
 - a. Appeals to the Board of Adjustment may be taken by the person aggrieved, or by an officer, department, or bureau of the government affected by any decision of the Building Commissioner. Such appeal shall be filed with the Building Commissioner and the Board of Adjustment within a reasonable time, as shall be prescribed. The Building Commissioner shall forthwith transmit to the Secretary of the Board of Adjustment all papers constituting the record upon which the action appealed from is taken.
 - b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment, or by a court of record on application or notice to the Building Commissioner on good cause shown.
2. In exercising the above-mentioned powers such Board may, in conformity with the provisions of this Chapter, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.
3. *Variances.* To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
 - a. The applicant must show that this property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reason or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of his/her property in the manner similar to that of other property in the zoning district where it is located.
 - b. A request for a variance may be granted, upon a finding of the Board of Adjustment

that all of the following conditions have been met. The Board of Adjustment shall make a determination on each condition, and the finding shall be entered in the record.

- (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
- (2) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.
- (3) The special conditions and circumstances do not result from the actions of the applicant.
- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, structures, or buildings in the same district.
- (5) In granting a variance, the Board of Adjustment may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

B. *Other Matters.* To hear and decide all matters referred to it or upon which it is required to pass under this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.830: REVIEW CONSIDERATIONS

In determining whether the evidence presented supports all of the conclusions required by Section 405.820(A)(2)(b), the Board of Adjustment shall consider the extent to which the evidence demonstrates that:

1. The particular physical surroundings shape or topographical conditions of the property involved would result in a severe practical difficulty or extreme hardship upon or for the owner, lessee, or occupant, if the provisions of this Chapter were literally enforced;
2. The request for a variation is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;
3. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
4. The proposed variation will not impair an adequate supply of light to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood. (Ord. No. 916 §1, 4-4-88)

SECTION 405.840: APPLICATION FOR BOARD OF ADJUSTMENT REVIEW

A. *Procedure.* The procedure for requesting a hearing before the Board of Adjustment shall be as follows:

1. All applications to the Board of Adjustment shall be in writing on forms provided by the Board of Adjustment and filed with the City Clerk.
2. The Board of Adjustment shall fix a reasonable time for the hearing of an application and notice of the time, place and subject to each hearing shall be published in the newspaper of general circulation of the area (as designated by the Board of Aldermen) at least fifteen

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- (15) days prior to the date fixed for the public hearing. The Secretary shall submit a list of those persons receiving said notice to the Board of Adjustment at the public hearing.
3. An application shall be accompanied by a filing fee in an amount established by the Board of Aldermen. A separate filing fee shall be required for each request.
- B. *Additional Requirements.* In addition to the above requirements, certain applications require additional information as follows:
1. *Appeals.*
 - a. An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the appropriate administrative officer or board.
 - b. A copy of the order, requirement, decision or determination of the appropriate administrative officer or board which the applicant believes to be in error shall be submitted.
 - c. A clear and accurate, written description of the proposed use, work or action to which the appeal is involved and a statement justifying the applicant's position.
 - d. Where necessary, a plot plan, drawn to scale, in duplicate showing existing conditions and proposed plans for the area in question shall be submitted.
 2. *Variances.*
 - a. The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the four (4) conditions as set out in Section 405.820(A)(3)(b) of this Article.
 - b. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board of Adjustment in consideration of the application shall be included. (Ord. No. 916 §1, 4-4-88; Ord. No. 1489 §1, 2-7-00)

SECTION 405.850: PERIOD OF VALIDITY

Unless as otherwise specified by the Board of Adjustment in their approval for an application, no variance granted by the Board of Adjustment shall be valid for a period longer than ninety (90) days from the date upon which the variance is granted, unless within such period:

1. A building permit is obtained and the construction, or alteration of the structure is commenced and pursued diligently toward completion; or
2. A certificate of occupancy is obtained and a use or occupancy commenced. The Board of Adjustment may grant extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing. (Ord. No. 916 §1, 4-4-88)

SECTION 405.860: APPROVALS, REQUIRED VOTE

A concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation in this Chapter. (Ord. No. 916 §1, 4-4-88)

SECTION 405.870: PERFORMANCE

- A. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board of Adjustment shall impose such restrictions, terms, time limitations, landscaping, screening, and other appropriate safeguards as needed to protect adjoining property.
- B. The Board of Adjustment may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Community Development Director and shall be enforceable by or payable to the City of Valley Park in the sum equal to the cost of constructing the required improvements. This bond money must be deposited in the City's Special Bond Fund before any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations.
- C. In lieu of the performance bond requirement, the Board of Adjustment may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board of Adjustment may declare the granting of the application null and void after reconsideration. (Ord. No. 916 §1, 4-4-88; Ord. No. 1489 §1, 2-7-00)

SECTION 405.880: APPEAL OF BOARD OF ADJUSTMENT DECISION

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department or board of the municipality, may present to the Circuit Court of the County a petition, duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality in accordance with appropriate State Statute. (Ord. No. 916 §1, 4-4-88)

APPENDIX A: LISTING OF PERMITTED AND CONDITIONAL ZONING DISTRICT USES

* List of land use codes are based on North American Industry Classification System's most recent version dated 2007 and are subject to change from time to time as the system is periodically updated by U.S. Department of Commerce

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
A											
Abstracting services	541191				P	P	P		P	P	P
Accounting and bookkeeping services	541219				P	P	P		P	P	P
Accounting, computing and office machines -- manufacturing	334119						P			P	P
Adult-oriented businesses -- various businesses (see Section 405.615 Adult-Oriented Business Regulations)	451211/ 812199					C	C				
Advertising displays and signs -- manufacturing	339950				C	C	P		P	P	P
Advertising services, direct mail	541860				C	P	P		P	P	P
Advertising services, general	541850				P	P	P		P	P	P
Agricultural chemicals and fertilizers -- wholesale	424690						P		P	P	P
Agricultural fertilizers, hazardous -- retail	444220						C		P	P	P
Agricultural fertilizers, non-hazardous -- retail	444220				P	P	C		P	P	P
Air-conditioning, refrigerated equipment and supplies -- contracting services	238220				C	P	P		P	P	P
Air-conditioning, refrigerated equipment and supplies -- wholesale	423720				C	C	P		P	P	P
Aircraft and parts -- manufacturing	33641						P		P	P	P
Alcoholic beverages, beer and wine -- wholesale	4248				C	P	P		P	P	P
Alterations, pressing and garment repair services	811490				P	P	P		P	P	P
Ambulance services	621910				C	P	P		P	P	P
Ammunition, small arms -- manufacturing	332992						C		P	P	P
Amphitheaters	711110				C	P			P		P
Amusement, athletic and sporting goods and toys -- manufacturing	339920						P			P	P
All Other Amusement and Recreation Industries (go-cart raceways - i.e., amusement rides)	713990					C					
Animal hospital services	541940				C	P	P		P	P	P
Antiques -- retail	453310				P	P			P		P
Apparel and accessories -- manufacturing	3159						P			P	P
Apparel and accessories -- retail	4481				P	P			P		P
Apparel and accessories -- wholesale	4243						P		P	P	P
Apparel belts -- manufacturing	315999						P			P	P
Apparel findings and related products -- manufacturing	315						P			P	P
Appliances (household) -- manufacturing	3352						P			P	P
Appliances (household) -- retail	443111				P	P			P		P
Appliances (electrical), televisions, phonographs, tape players, radio sets -- wholesale	423620						P		P	P	P
Appliance repair services	811412				P	P	P		P	P	P
Architectural, engineering and planning -- professional services	5413				P	P	P		P	P	P
Arenas and fieldhouses	236220					C			P		P
Armature rewinding services	811310				C	P	P		P	P	P
Armed forces reserve center	928110				C	C	C		P	P	P
Art galleries	712110				P	P			P		P
Asphalt mixing / paving materials plants	324121						C			P	
Athletic field or playfield	237990	C	C	C	C	P		P	P	P	P
Auditoriums	236220				P	P			P		P
Automatic temperature controls -- manufacturing	334512						P			P	P
Automobile and other motor vehicle and equipment -- manufacturing	336111						C			P	P
Automobile and other motor vehicle repair services and body shops	811121				C	P	P		P	P	P
Automobile and other motor vehicles -- retail	4411/2				P	P	P		P	P	P
Automobile and other motor vehicles -- wholesale	423110				P	P	P		P	P	P
Automobile and truck rental services	532111				P	P	P		P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Automobile equipment -- wholesale	423120				P	P	P		P	P	P
Automobile parking -- commercial lots	812930				P	P	P		P	P	P
Automobile tires, parts, accessories and supplies -- retail	4413				P	P	P		P	P	P
Automobile wash services	811192				C	P	C		P	P	P
B											
Bags except textile bags -- manufacturing	32222						P			P	P
Bakeries manufacturing -- retail	445291				C	P	P		P	P	P
Bakeries non-manufacturing -- retail	445291				P	P	P		P	P	P
Bakery products -- manufacturing	311821				C	C	P		P	P	P
Banking services	52110				P	P	P		P	P	P
Barber services	812111				P	P			P		P
Beauty services	812112				P	P			P		P
Bicycles -- retail	451110				P	P			P		P
Biological products -- manufacturing	325414						C			P	P
Blacksmith and welding services	316999					C	P			P	P
Blankbooks, loose leaf binders and devices -- manufacturing	323118						P			P	P
Blueprinting and photocopying services	561439				P	P	P		P	P	P
Boarding and rooming houses	721310							P			P
Boat building and repair services	336611				C	C	P		P	P	P
Bookbinding and miscellaneous related work -- manufacturing	323117				C	C	P		P	P	P
Books, magazines and newspapers distributing -- wholesale	424920					C	P		P	P	P
Books -- publishing and printing	323110				C	C	P		P	P	P
Books -- retail	451211				P	P			P		P
Boot and shoe cut stock and findings -- manufacturing	316219						P			P	P
Bottled gas -- retail	454312				C	C	P		P	P	P
Bottling and canning soft drinks and carbonated waters	333993						P			P	P
Bowling	713950				P	P			P		P
Boxes and paperboard containers -- manufacturing	322212/3						P			P	P
Brandy, brandy spirits and wine -- manufacturing	312130						P			P	P
Brooms and brushes -- manufacturing	339994						P			P	P
Building construction -- general contracting services	236					C	P			P	P
Building materials -- retail	444190				P	P	P		P	P	P
Building materials and lumber -- wholesale	423310				C	C	P		P	P	P
Building paper and building board -- manufacturing	322121						C			P	P
Bus garaging and equipment maintenance	812930						P			P	P
Business and management consulting services	541611				P	P	P		P	P	P
Business offices not elsewhere listed	485113				P	P	P		P	P	P
Business associations	813910				P	P	P		P	P	P
Business forms -- manufacturing	323116				C	C	P		P	P	P
Bus passenger terminals	488490				C	C	P		P	P	P
C											
Cabinet making -- manufacturing	3371						P			P	P
Cable TV maintenance yard	237130						P			P	P
Cameras and photographic supplies -- retail	443130				P	P	P		P	P	P
Campgrounds -- general	721211								P		P
Campgrounds -- group	721211								P		P
Candy and other confectionery products -- manufacturing	3113				C	C	P		P	P	P
Candy, nut and confectionery -- retail	445292				P	P	C		P		P
Canes, parasols and umbrellas -- manufacturing	339999						P			P	P
Canvas products -- manufacturing	314912						P			P	P
Cardboard, paperboard and diecut paper --manufacturing	322130						P			P	P
Carpentry and wood flooring services	238350					P	P		P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Carpet and rug cleaning and repair services	561740				C	C	P		P	P	P
Carpet and rug -- manufacturing	326150						P			P	P
Cement (hydraulic) -- manufacturing	327310						C			P	P
Cemeteries	812220	C	C	C	C	C	C	P	P	P	P
Ceramic wall and floor tile -- manufacturing	327122						P			P	P
Cereal preparations -- manufacturing	311230						P			P	P
Charitable and welfare services	624190				P	P	P		P	P	P
Cheese (natural and processed) -- manufacturing	311513						P			P	P
Chemicals, industrial -- wholesale	4246						P		P	P	P
Chemicals, industrial organic and inorganic -- manufacturing	32518/ 32519						C			P	P
Chewing gum -- manufacturing	311340						P			P	P
China, glassware and metalware -- retail	442299				P	P			P		P
Chiropractors, optometrists, and other similar health services	621310/ 621320				P	P			P		P
Chocolate and cocoa products -- manufacturing	311320				C	C	P		P	P	P
Churches, synagogues and temples	813110	C	C	C	C	P		P	P		P
Cigarettes and cigars -- retail	453991				P	P	P		P	P	P
Civic, social and fraternal associations	813410				P	P	P		P	P	P
Civil defense and related activities	922120	C	C	C	P	P	P	P	P	P	P
Cleaning, polishing and sanitation preparations except soap and detergents -- manufacturing	325612						P			P	P
Clock, watch and jewelry repair services	811490				P	P	P		P	P	P
Clocks, watches, clockwork operated devices and parts -- manufacturing	334518				C	C	P		P	P	P
Clothing, leather and fleece lined -- manufacturing	315211						P			P	P
Coffee roasting and coffee products -- manufacturing	311920				C		P		P	P	P
Commercial and industrial machinery, equipment and supplies -- wholesale	423830				C	C	P		P	P	P
Commodity and security brokers, dealers and exchanges and services	523140				P	P	P		P	P	P
Communication equipment -- manufacturing	3342						P			P	P
Compost dumps -- Compost manufacturing	562219/ 325314						C				
Concrete brick and block -- manufacturing	327331						C			P	P
Concrete products -- manufacturing	327390						C			P	P
Concrete, ready-mix plants	327320						C			P	P
Concrete construction and paving services	237321/ 238990					C	C			P	P
Confectionery -- wholesale	424450				C	C	P		P	P	P
Construction and lumber materials -- wholesale	4233				C	C	P		P	P	P
Construction, mining, and materials handling machinery and equipment -- manufacturing	3331						P			P	P
Consumer lending establishments / nondepository credit intermediation (i.e., payday loans)	522298					C					
Construction equipment -- retail	444				C	C	P		P	P	P
Convents	813110	C	C	P	C	P		P	P		P
Convenience stores -- with or without gasoline sales	447110/ 447190				C	P			P		P
Cosmetics, perfumes and other toiletries -- manufacturing	325620						P			P	P
Costume jewelry, novelties, buttons, and miscellaneous notions -- manufacturing	339911				C	C	P		P	P	P
Cotton, man-made fibers, silk and wool -- weaving and manufacturing	313113						P			P	P
Country club	713910	C	C	C	C	P		P	P		P
Crating and packing services	488991				C	C	P		P	P	P
Credit reporting, adjustment and collection services	561450				P	P	P		P	P	P
Credit unions and agricultural, business and personal credit service	522130				P	P	P		P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Crematory, funeral & mortuary services	812210				C	C	C		P	P	P
Curtains and draperies -- manufacturing	313210				C	C	P		P	P	P
Curtains, draperies & upholstery -- retail	442291				P	P			P		P
Cutlery, hand tools and general hardware -- manufacturing	332211						P			P	P
Cut stone and stone products -- manufacturing	327991						P			P	P
D											
Dairy products -- retail	445299				P	P	C		P	P	P
Dairy products -- wholesale	424490				C	C	P		P	P	P
Day care centers / Nursery Schools	624410	C	C	C	P	P	C	P	P	P	P
Dental equipment and supplies -- manufacturing	339114				C	C	P		P	P	P
Dental laboratory services	339116				C	P	P		P	P	P
Dental services	621210				P	P	C		P	P	P
Department stores -- retail	45211				P	P			P		P
Detective and protective services	561611				P	P	P		P	P	P
Diaper services	812331				C	C	P		P	P	P
Direct selling organizations -- retail	4543				P	P	C		P	P	P
Discount and variety stores -- retail	452112				P	P			P		P
Disinfecting and exterminating services	561710				C	C	P		P	P	P
Distilling, rectifying and blending liquors	312140					C	C			P	P
Drug and proprietary -- retail	446110				P	P	C		P	P	P
Drugs, drug proprietaries and druggist sundries -- wholesale	424210				C	C	P		P	P	P
Dry cleaning & laundering pickup service	812320				P	P	P		P	P	P
Dry cleaning and laundering, self service	812320				P	P	P		P	P	P
Dry cleaning, laundering and dyeing services, except rugs	812320				P	P	P		P	P	P
Dry goods and general merchandise -- retail	452111				P	P			P		P
Dry goods and notions -- wholesale	424310				C	C	P		P	P	P
Duplicating, mailing and stenographic services	561439				P	P	P		P	P	P
Dwelling, multi-family	531110			P		C		P			P
Dwelling, single-family attached	236118		P	P				P			P
Dwelling, single-family detached	236117	P	P	P				P			P
Dwelling, two-family	236116		P	P				P			P
Dyeing and finishing textiles	333292				C		P			P	P
E											
Earthenware, table and kitchen articles -- manufacturing	327112						P			P	P
Educational and scientific research services	611710				C	P	P		P	P	P
Eggs and poultry -- retail	424440				P	P	C		P	P	P
Electrical apparatus and equipment, wiring supplies, and construction materials -- wholesale	423510				C	C	P		P	P	P
Electrical contractor services	238210				C	P	P		P	P	P
Electrical industrial apparatus -- manufacturing	335314						P			P	P
Electrical repair services, except radio and television	811219				P	P	C		P	P	P
Electrical supplies -- retail	444190				P	P	P		P	P	P
Electrical transmission and distribution equipment -- manufacturing	335311						P			P	P
Electrical generator plants	335311						C			P	P
Electric utility maintenance yard	237130						P			P	P
Electricity regulating substations	335311	C	C	C	C	C	P	P	P	P	P
Electric lighting and wiring equipment -- manufacturing	3351						P			P	P
Electrometallurgical products and processing -- manufacturing	331111						C			P	P
Electronic components and accessories -- manufacturing	3344						P			P	P
Electronic parts and equipment -- wholesale	4236				C	C	P		P	P	P
Electrotyping and stereotyping / Photoengraving	333293				P	P	P		P	P	P
Employment services	561311				P	P	P		P	P	P
Engineering, laboratory, and scientific and research instruments and associated equipment -- manufacturing	334516						P			P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Engines and turbines -- manufacturing	335312						P			P	P
Envelope -- manufacturing	322232						P			P	P
Equipment and supplies for service establishments -- wholesale	423850				C	C	P		P	P	P
Equipment rental and leasing services	532490				C	P	P		P	P	P
Executive, legislative and judicial functions	921140				P	P	P		P	P	P
Exhibition halls	531120				P	P			P	P	P
Extracts and flavoring syrups -- manufacturing	311942						P			P	P
F											
Fabricated structural metal products -- manufacturing	332312						C			P	P
Fabricated wire products -- manufacturing	331222						C			P	P
Fairgrounds	713110						C			P	P
Farm machinery and equipment -- retail	444220				C	P	P		P	P	P
Farm machinery and equipment -- manufacturing	333111						P			P	P
Farm machinery and equipment -- wholesale	423820				C	C	P		P	P	P
Farm products warehousing and storage excluding stockyards	493120/ 493130						P			P	P
Farm supplies -- retail	444220				C	P	P		P	P	P
Farms	111	C	C	C				P			P
Farms, nursery stock	111421	C	C	C	C		P	P	P	P	P
Feeds, grains and hay -- retail	424910				C	C	P		P	P	P
Felt goods -- manufacturing	313210						P			P	P
Fire protection and related activities	922160	C	C	P	P	P	P	P	P	P	P
Firing Range, Indoor	7139						C				
Fish and seafoods -- retail	445220				P	P	C		P	P	P
Fish and seafoods -- wholesale	424460						P		P	P	P
Flea markets (permanent, used merchandise stores)	453310					C					
Flea markets and other direct selling establishments (temporary location, direct selling)	454390					C					
Floor coverings -- retail	442210				P	P	P		P	P	P
Florists -- retail	453110				P	P			P		P
Flour and other grain mill products -- manufacturing	311211						P			P	P
Flour blending and preparing -- manufacturing	311822						P			P	P
Food lockers and storage services	326111				C	P	P		P	P	P
Freight forwarding services	488510					P	P			P	P
Frozen desserts and ice cream -- manufacturing	311520				C		P		P	P	P
Fruits and vegetables -- wholesale	424480						P		P	P	P
Fruits and vegetables -- retail	445230				P	P	C		P	P	P
Fuel oil -- retail	454311				C	C	P		P	P	P
Fur dressing and dyeing -- manufacturing	316110						P			P	P
Fur goods -- manufacturing	315292						P			P	P
Furniture and home furnishings -- wholesale	4232				C	C	P		P	P	P
Furniture (household) -- manufacturing	3371						P			P	P
Furniture (office) -- manufacturing	3372						P			P	P
Furniture -- retail	442110				P	P	C		P	P	P
Furniture repair and reupholstery services	811420				P	P	P		P	P	P
Fur repair and storage services	811490				P	P	P		P	P	P
Furriers and fur apparel -- retail	448190				P	P			P		P
G											
Garden supplies and landscape nursery -- retail	444110				P	P	P		P	P	P
Gasoline service stations -- retail	4471				P	P	P		P	P	P
Gas pressure control stations	4471	C	C	C	C	C	P	P	P	P	P
Gas production plants	211111						C			P	P
Gas storage and distribution points	237120						C			P	P
Gas utility maintenance yard	211112						C			P	P
General stores -- retail	452				P	P	C		P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Gifts, novelties and souvenirs -- retail	453220				P	P			P		P
Glass and glassware, pressed or blown -- manufacturing	327212						C			P	P
Glass, paint and wallpaper -- retail	444120				P	P	P		P	P	P
Golf courses, public	713910	C	C	C	C	P		P	P		P
Golf driving ranges	713990					C			P	P	P
Grain -- wholesale	424510						P			P	P
Greenhouses	1114	C	C	C	C	C	P	P	P	P	P
Greeting card -- manufacturing	323110				C	C	P		P	P	P
Groceries -- retail	4451				P	P			P		P
Groceries -- wholesale	4244						P		P	P	P
Group homes (See Note 1)	623990	C	C	C							
Gymnasium, soccer, and other athletic clubs	713940				P	P	P		P	P	P
H											
Handbags and other personal leather goods -- manufacturing	316110						P			P	P
Hardware -- retail	444130				P	P	C		P	P	P
Hardware -- wholesale	423710				C	C	P		P	P	P
Hardwood dimension and flooring -- manufacturing	332918						P			P	P
Harvesting services	115113					C	P			P	P
Hats, caps, and millinery -- manufacturing	315211						P			P	P
Hazardous waste treatment and disposal	562211						C				
Health and exercise spas	721110				P	P	P		P	P	P
Hearing aids, optical goods, orthopedic appliances and other similar devices -- retail	446119				P	P	P		P	P	P
Heating and plumbing equipment and supplies -- retail	444190				C	P	P		P	P	P
Heating, apparatus (except electrical and plumbing fixtures) -- manufactures	333414						P			P	P
Heliport pads	481111				C	C	C	P	P	P	P
Historic and monument sites	712120	P	P	P	P		P	P	P	P	P
Hobby supplies -- retail	451120				P	P			P		P
Holding and investment services	523930				P	P	P		P	P	P
Hospital services	621491		C	C	P	P			P	P	P
Hotels, tourist courts, and motels	721110					P			P	P	P
House furnishings, textile (except curtains and draperies) -- manufacturing	337				C	C	P		P	P	P
I											
Ice -- manufacturing	312113						P			P	P
Ice -- retail	445299				P	P	P		P	P	P
Ice skating rinks, indoor	713940				P		P		P	P	P
Industrial laundry and linen supply services	812332					C	P			P	P
Industrial leather belting and packing -- manufacturing	316999						P			P	P
Industrial and commercial machinery, equipment and supplies -- wholesale	4234						P			P	P
Industrial machinery and equipment -- manufacturing	333999						P			P	P
Ice cream and frozen desserts -- retail	445299				P	P			P		P
Instruments for mechanical measuring and controlling except automatic temperature controls -- manufacturing	334513						P			P	P
Insurance agents and brokers services	524210				P	P	P		P	P	P
Insurance carriers	524113				P		P		P	P	PJ
J											
Janitorial services	561720				C	C	P		P	P	P
Jewelry and precious metals -- manufacturing	339911				C	C	P		P	P	P
Jewelry -- retail	448310				P	P	C		P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
K											
Kennels -- boarding	812910					C	P			P	P
Kennels -- breeding	112990						P			P	P
Knit goods -- manufacturing	313249						P		P	P	P
L											
Labor unions and similar labor organizations	813930				P	P	P		P	P	P
Lace goods -- manufacturing	313221						P		P	P	P
Lamp shades -- manufacturing	326199						P		P	P	P
Landfills -- trash transfer stations	562212						C				
Landscape contracting services	561730				C	C	P		P	P	P
Landscape nursery and garden supplies -- retail	444110				P	P	P		P	P	P
Lapidary work	339913				P		P		P	P	P
Lawn care -- services	561730				C	C	P		P	P	P
Leather tanning and finishing -- manufacturing	316110						P			P	P
Legal services	541110				P	P			P	P	P
Libraries	519120	C	P	P	P	P		P	P		P
Lime products -- manufacturing	327410						C			P	P
Linoleum, asphalted-felt-base, and other hard surface floor cover manufacturing	326192						P			P	P
Liquid petroleum gas -- wholesale	424720						P			P	P
Liquor -- retail	445310				P	P			P		P
Lockers, shelving, partitions and office store fixtures -- manufacturing	337215						P			P	P
Locksmith services	561622				P	P	P		P	P	P
Luggage -- manufacturing	314999						P			P	P
M											
Machine shop -- manufacturing	332710				C		P		P	P	P
Magazines and newspapers -- retail	451212				P	P	C		P	P	P
Mail order houses -- retail	454113				P	P	P		P	P	P
Masonry, stonework, tile setting and plastering services	238140					C	P			P	P
Massage services	812199				C	C			P		P
Matches -- manufacturing	325998						C			P	P
Materials recovery/recycling facilities	56292						C				
Meat and meat packing products -- wholesale	424470						P			P	P
Meats--retail	445110				P	P	C		P	P	P
Medical and surgical instruments and apparatus -- manufacturing	33911				C		P		P	P	P
Medical clinics, out-patient services	621493				P	P	C		P	P	P
Medical laboratory services	541712				C	P	P		P	P	P
Medical chemicals -- manufacturing	325411						P			P	P
Milk processing, fluid only	333294						P			P	P
Mobile home parks	531190			C				P			P
Monasteries	813110			P				P			P
Monuments -- retail	453998				C	P	P		P	P	P
Mortician's goods -- manufacturing	339995						P			P	P
Motion picture distribution services	512120					C	P		P	P	P
Motion picture production studios	512110						P		P	P	P
Motorcycles, bicycles and parts -- manufacturing	336991						P			P	P
Motor freight garaging and equipment maintenance	484110						P			P	P
Motor freight terminals	484110						P			P	P
Motor vehicle oriented business					C	C	C		C		
Museums	712110				P	P			P		P
Musical instruments & supplies -- retail	451140				P	P			P	P	P
Musical instruments and parts -- manufacturing	339992						P			P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
N											
Newspapers publishing and printing	511110				C	C	P		P	P	P
News syndicate services	519110				P	P	P		P	P	P
Noodles, macaroni, spaghetti and vermicelli -- manufacturing	311991				C		P			P	P
Nursing home	623110		C	C	C	P		P	P		P
Nuts, bolts, screws, rivets, & washers, & screw machine products -- manufacturing	3261199						P			P	P
O											
Office furniture -- manufacturing	337211						P			P	P
Office/Warehouse	236220				C	P	P		P	P	P
Oilcloth, plastic fabric and vinyl products -- manufacturing	313320						P			P	P
Ophthalmic goods -- manufacturing	339112				C	C	P		P	P	P
Optical instruments and lenses -- manufacturing	333314				C	C	P		P	P	P
Ornamental iron works -- manufacturing	332323						P			P	P
Orthopedic, prosthetic and surgical appliances and supplies -- manufacturing	339113				C	C	P		P	P	P
Outdoor advertising services	541850						P		P	P	PP
P											
Padding and upholstery filling -- manufacturing	332612						P		P	P	P
Painting and paper hanging services	238320				C	P	P		P	P	P
Paper and paper products -- wholesale	424110/ 424120/ 424130				C	C	P		P	P	P
Paperboard containers and boxes -- manufacturing	322212						P			P	P
Paperboard -- manufacturing	322130						P			P	P
Paper coating and glazing -- manufacturing	333291						P			P	P
Paper, except building paper -- manufacturing	322121						C			P	P
Parks, public	712190	P	P	P	P		P	P	P	P	P
Pawn Shop (short-term lending)	522298				C	P	C		P		
Penny arcades	713120				P	P			P		P
Pens, pencils and other office and artist's materials -- manufacturing	339942						P			P	P
Perfumes, cosmetics and other toiletries -- manufacturing	325620						P			P	P
Periodicals, publishing and printing	511120				C		P		P	P	P
Petroleum bulk stations and terminals -- wholesale	424710						C			P	
Petroleum pipeline right-of-way	486110	P	P	P	P		P	P	P	P	P
Petroleum refining	333298						C			P	P
Pets and pet grooming -- retail	453910				P	P	P		P	P	P
Pharmaceutical preparations -- manufacturing	325412						P			P	P
Photofinishing services	812921				P	P	P		P	P	P
Photographic equipment and supplies -- manufacturing	333315						P			P	P
Photographic studios and services	541921				P	P	P		P	P	P
Physician's services	621111				P	P	C		P	P	P
Planing mills and saw mills, general -- manufacturing	321918						P			P	P
Plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers (except glass) -- manufacturing	325211										
R											
Race Tracks (automobiles, go-carts, motorcycles)	711					C					
Radios, televisions, phonographs, recorders and tape players repair services	811211				P	P	P		P	P	P

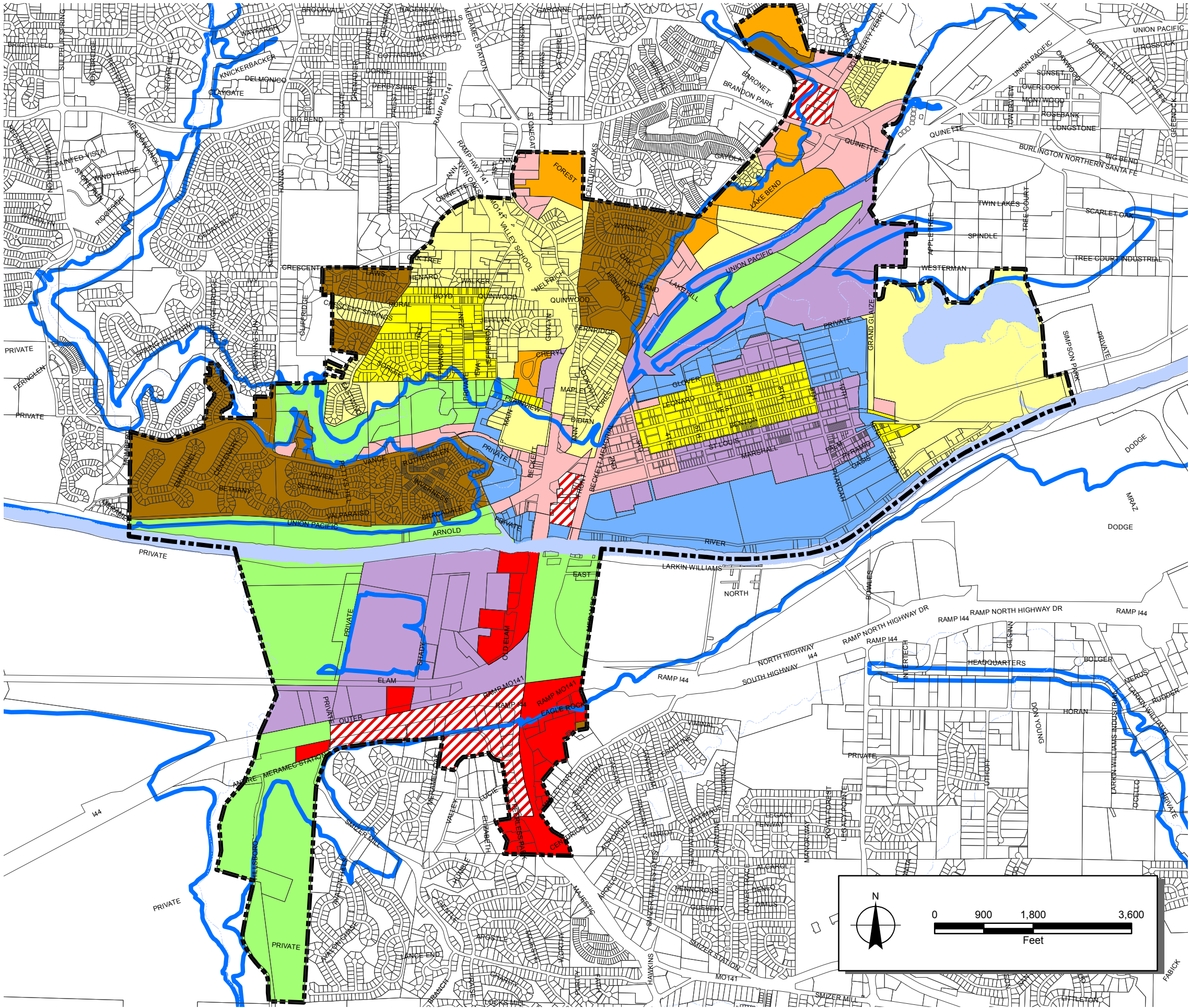
Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Radios, televisions, phonographs, recorders and tape players -- retail	443112				P	P	C		P	P	P
Radio transmitting stations and towers	237130				C	C	P		P	P	P
Railroad equipment and maintenance yard	423860						P			P	P
Railroad equipment -- manufacturing	336510						P			P	P
Railroad freight terminals	488210						P			P	P
Railroad passenger terminals	488210				C	C	P		P	P	P
Raincoats and other waterproof outer garments -- manufacturing	315299						P			P	P
Real estate agents, brokers and management services	531210				P	P	P		P	P	P
Recreational vehicles and equipment -- manufacturing	3361						P			P	P
Recreational vehicles and equipment -- retail	441				P	P	C		P	P	P
Recreation centers	621340				P	P	P		P	P	P
Refrigerated warehouses (except food lockers)	238220						P			P	P
Refuse incineration	562213									P	
Religious camps and retreats	813110		C	C				P			P
Research, development and testing services	541380				C	P	P		P	P	P
Residential hotels	531110					P	C		P	P	P
Resorts (general)	721110				C	P			P		P
Restaurants	722211				P	P	P		P	P	P
Restaurants, drive-in	722211				C	C	C		P	P	P
Retail trade not elsewhere listed	453998				C	C	C		P	P	P
Retirement home	623110		C	C	C	P		P	P		P
Road maintenance yards	333120						P			P	P
Robes and dressing gowns -- manufacturing	315192				C		P		P	P	P
Roller skating rinks -- indoor	713940				P		P		P	P	P
Roofing and sheet metal contracting services	238160				C	C	P		P	P	P
Rubber footwear -- manufacturing	316213						C			P	P
Rubber products, fabricated -- manufacturing	3262						C			P	P
S											
Sanitary paper products -- manufacturing	322121						C			P	P
Sanitary waste landfill	562219						C				
Sausages and other prepared meat products -- manufacturing	311612				C	C	P		C	P	P
Savings and loan associations	522120				P	P	P		P	P	P
Schools, art	611519				P	P			P	P	P
Schools, barber	611511				P	P			P	P	P
Schools, beauty	611511				P	P			P	P	P
Schools, business	611410				P	P			P	P	P
Schools, colleges	611310				C	P			P	P	P
Schools, computer	611420				P	P			P	P	P
Schools, correspondence	611310				P	P			P	P	P
Schools, dancing	611610				P	P			P	P	P
Schools, driving	611692				C	C	P		P	P	P
Schools, elementary, Grades K-6	611110	C	C	C				P	P		P
Schools, junior colleges	611210					P			P	P	P
Schools, music	611610				P	P			P	P	P
Schools, kindergarten/primary	611110	C	C	C				P	P		P
Schools, post secondary not to include universities, colleges, junior colleges, professional schools and special training schools	611110	C			C	P					
Schools, professional	611310				P	P			P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Schools, secondary, Grades 7-12	611110	C	C	C				P	P		P
Schools, stenographic	611110				P	P			P	P	P
Schools, technical	61151				P	P			P	P	P
Schools, trade	61151				P	P			P	P	P
Schools, universities	611310				C	P			P	P	P
Schools, vocational	611210				C	P			P	P	P
Second hand merchandise -- retail	453310				C	P	C		P	P	P
Septic tank and related services	562991						C				
Service industry machines -- manufacturing	3332						C			P	P
Sewage pressure control stations	221320	P	P	P	P	P	P	P	P	P	P
Sewage sludge drying beds	221320						P			P	P
Sewage treatment facilities	221320						P			P	P
Shades and venetian blinds -- manufacturing	337920						P			P	P
Shoe repair, shoe shining and hat cleaning services	812990				P	P	P		P	P	P
Shoes -- manufacturing	3162						P			P	P
Shoes -- retail	448210				P	P	C		P	P	P
Shoes -- wholesale	424340						P		P	P	P
Silverware and plated ware -- manufacturing	339912						P			P	P
Skeet and trap shooting ranges	713990								C	C	
Soaps and detergents (except specialty cleaners) -- manufacturing	325611						P			P	
Social correctional, treatment and counseling services	922150				C	P	C		P	P	P
Solid waste Landfill	562212						C				
Solid waste/trash transfer stations	562111/ 562112				C		C		P	P	P
Sorority and fraternity houses	721310			C				P			P
Soybean oil milling	311222						C			P	P
Sporting goods -- retail	451110				P	P			P		P
Stadiums	236220								P		P
Stationery -- retail	453210				P	P			P		P
Steel pipe and tubes -- manufacturing	331111						C			P	P
Steel wire drawing, steel nails and spikes -- manufacturing	331222						C			P	P
Storage and warehousing of non-hazardous products	493190						P			P	P
Storage and warehousing of household goods	493110						P			P	P
Swimming clubs	713940	C	C	C	P	P	P	P	P	P	P
T											
Tailoring (custom)	811490				P	P	P		P	P	P
Taverns	722410				P	P	P		P	P	P
Taxicab dispatch	485310				C		P		P	P	P
Taxicab garaging and maintenance	485310						P			P	P
Telegraph communications	423690				P	P	P		P	P	P
Telephone business office	334210				P	P	P		P	P	P
Telephone exchange stations	334210				P	P	P		P	P	P
Telephone maintenance yard	334210						P			P	P
Telephone relay towers (microwave)	237130				C	C	P		P	P	P
Television broadcasting studios	515120				P	P	P		P	P	P
Television transmitting stations and relay towers	237130				C	C	P		P	P	P
Tennis and soccer clubs	713990	C	C	C	P	P	P	P	P	P	P
Textile bags -- manufacturing	314911				C		P			P	P
Theaters, legitimate	711110					P			P	P	P
Theaters, motion picture, indoor	512131				C	P			P	P	P
Theaters, motion picture, outdoor	512132				C	C	C		P	P	P

Land Use Category	Code	R-1	R-2	R-3	C-1	C-2	I-1	PD-R	PD-C	PD-I	PD-MX
Threads and yarns -- manufacturing	313221						P			P	P
Tire cord and fabric -- manufacturing	314992						P			P	P
Tires and inner tubes -- manufacturing	326211						C			P	P
Tires and inner tubes -- wholesale	423130						P			P	P
Tobacco and tobacco products -- wholesale	424940						P			P	P
Tobacco and snuff -- manufacturing	312229						P			P	P
Tobacco leaf -- wholesale	424590						P			P	P
Tobacco storing and redrying	312210						P			P	P
Transportation equipment and supplies (except motor vehicles) --	423860						P			P	P
Travel arranging services	561510				P	P			P	P	P
Truck wash services	811192					C	P			P	P
V											
Vegetable oil milling (except cottonseed and soybean)	311223						P			P	
Veterinarian services	541940				P	P	P		P	P	P
Vitreous china plumbing fixtures, china, fillings and bathroom accessories -- manufacturing	327111						P			P	P
Vitreous china, table and kitchen articles -- manufacturing	327112						P			P	P
W											
Wallpaper -- manufacturing	322121						C			P	P
Water storage	237110		P	P	P		P	P	P	P	P
Water treatment plants	221310						P		P	P	P
Water utility maintenance yards	237210						P		P	P	P
Water well drilling services	213111						P		P	P	P
Window cleaning services	561720				C	P	P		P	P	P
Wire products (fabricated) -- manufacturing	332618						P			P	P
Wooden containers -- manufacturing	321920						P			P	P
Wool preserving -- manufacturing	327993						P			P	P
Wool and mohair -- wholesale	424590						P			P	P
<p>Note 1. A group home includes any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within twenty-five hundred (2,500) feet of another group home.</p> <p>C = Conditional P = Permitted (Ord. No. 1228 §1, 4-24-95)</p>											

Zoning District Map

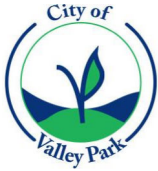
City of Valley Park, Missouri



Legend

- Valley Park City Limits
- Levee
- 100 Year Flood Plain
- R-1 (Residence District)
- R-2 (Residence District)
- R-3 (Residence District)
- PDR (Planned Development Residential)
- C-1 (Neighborhood Business District)
- C-2 (Commercial District)
- PDC (Planned Development Commercial)
- I-1 (Industrial District)
- NU (Non Urban District)



MAY 2013

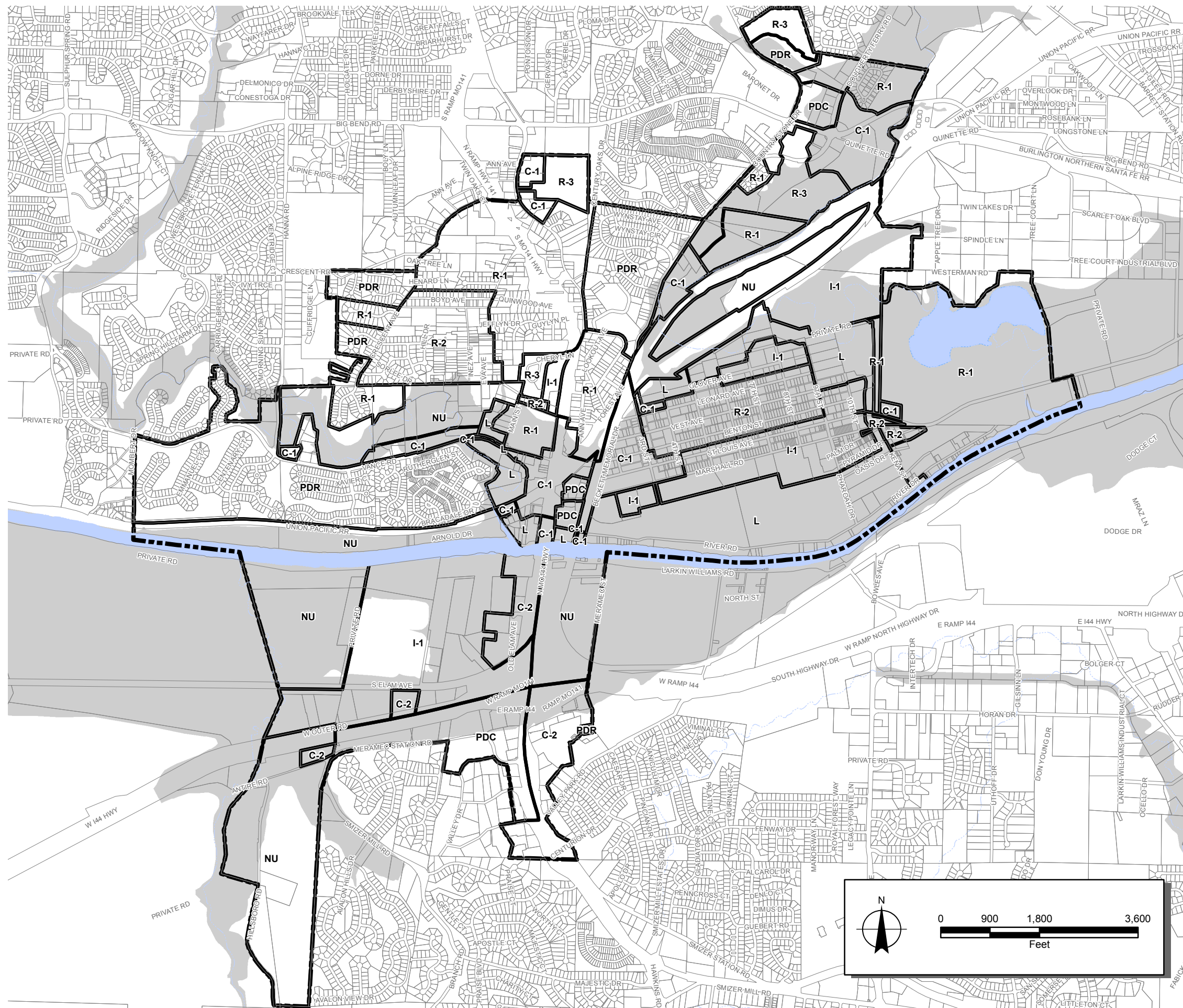


Zoning District Map

City of Valley Park, Missouri

Legend

-  Valley Park City Limits
-  Zoning District Boundary
-  100 Year Flood Plain
- R-1 Residence District
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- L Levee



MAY 2013



