

### **1003.167 Miscellaneous Regulations.**

**1. Scope of Provisions.**

This section contains miscellaneous regulations, generally applicable to various sections of this Chapter.

- 2.** 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 single-family dwelling on one 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.
- 3.** 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.
- 4.** In the event two or more permitted, conditional or accessory uses are conducted on the same tract of land, each having a different minimum lot area requirement, the minimum lot area regulations for the combined uses shall be the largest of the required minimum areas for each of the particular uses.
- 5.** Land area to be utilized for multiple family access easements and large lot roadway easements need not be deducted from gross site area in calculating the maximum number of dwelling units permitted on a parcel or tract of land.
- 6.** 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 Ordinance is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.
- 7.** Where a line has been established for future widening or opening of a street upon which a lot abuts, the required yard space shall be measured from the established future street line. Required yard space shall be measured from private roadway easement boundaries or from road maintenance or other road related easements where such easements abut public road rights-of-way.
- 8.** Each corner lot shall have a rear yard and a side yard with minimum setback requirements of the applicable zoning district. The side and rear yards shall be identified by the owner of the corner lot when plans are submitted for the first building on the property.
- 9.** All illumination structures, except for approved street lights, shall maintain a cut-off angle of not greater than 85 degrees and shall be so arranged as not to cast light greater than 0.1 footcandles on any public right-of-way or on adjacent properties in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District. Illumination structures that cast light greater than 0.1 footcandles will require a Conditional Use Permit (CUP); however, under no circumstances shall illumination structures cast light greater than 0.5 footcandles (O.No. 20126 - Adopted 9/21/00).
- 10.** No permits shall be issued for grading, building, or use of a site governed by a Planned District, Mixed Use District or Special Procedure Permit which are not in accord with site development plans, site development concept plans, or site development section plans approved by the Planning Commission or Department of Planning.

11. Every part of a required yard shall be open to the sky, unobstructed except as follows:

- (1) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches;
- (2) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, projecting not to exceed twenty-four (24) inches; (O.No. 13533 - Adopted 10/8/87)
- (3) Roof overhangs projecting 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;
- (4) Canopy overhangs for service stations projecting a maximum of eighteen (18) inches into required front yards;
- (5) 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;
- (6) In all "R" Residence Districts air conditioning units extending into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within said side or rear yards;
- (7) Driveways, ramps, sidewalks, and parking lots as otherwise permitted by this Ordinance.
- (8) Basketball poles as otherwise permitted by this ordinance. (O.No. 17014 - Adopted 5/12/94).
- (9) In all "R" Residence Districts, structures exempt from building permit requirements in the side and rear yards. (O.No. 18165 - 9/5/96.)
- (10) Canopies and awnings not to exceed forty-two (42) inches may project into the required front yards, however, no canopy or awning may extend into the public right-of-way. (O.No. 20175 - Adopted 10/12/00).
- (11) Canopies and awnings not to exceed forty-two (42) inches may project into the required side and rear yards, however, they may not be closer than forty-eight (48) inches from any property line. (O.No. 20175 - Adopted 10/12/00).
- (12) Emergency escape window wells or any railing or cover for said structures may encroach into any yard setback no more than forty-eight (48) inches. (O.No. 22437 – Adopted 8/24/05).

12. All land development activity requiring a site plan or Site Development Plan approved by the Department of Planning or the Planning Commission, except land used for agricultural or farming purposes, or regional pedestrian/bike trails, shall meet the following minimum standards for vegetated buffers for stream protection. Stream buffers in residential subdivisions containing five (5) lots or more shall be in common ground. In large lot residential developments, single lot developments, and all other subdivisions the stream buffer may be in an easement.

- (1) For all natural waterways having a 100 year flood plain as depicted on the St. Louis County zoning maps, an undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other natural waterways, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional twenty-five (25) foot building setback, measured horizontally beyond the stream buffer, shall be required.
- (3) If any waterway is required or permitted to be enclosed, the requirements for buffers or additional building setbacks may be waived by the Director of Planning.
- (4) All plans and plats shall clearly show the boundaries of any stream buffers on a subject property and clearly indicate the types of natural vegetation to be retained, restored or removed from the buffer area.
- (5) The following structures, practices and activities are permitted in the stream buffer, with specific design or maintenance features, subject to review by the Director of Planning:

- (i) Roads, bridges and utilities (including sanitary and storm sewers). The right-of-way shall be the minimum width needed to allow for maintenance access and installation. The angle of the right-of-way or utility crossing shall be perpendicular as possible to the natural watercourse or stream buffer in order to minimize clearing requirements. Plats and site plans shall include only the minimum number possible of such crossings.
  - (ii) Foot trails and paths.
- (6) Stream bank stabilization and stream buffer restoration projects approved by the Director of Planning are permitted within the vegetated buffer.
  - (7) Water quality monitoring and stream gauging are permitted within the stream buffer.
  - (8) Trash and debris and individual trees within the stream buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the natural watercourse may be removed. (O.No. 23553 - Adopted 3/31/08).
- 13.** Temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land may be erected or located on said tract prior to and may remain thereon during the construction or development period.
- (1) 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 Director of Public Works upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of \$1,000 for their removal shall be posted with St. Louis County.
  - (2) 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 (90) percent of the development has been sold, rented, or leased. A bond in the amount of \$1,000 guaranteeing removal of any such temporary structure or facility shall be posted with St. Louis County prior to commencement of use.
  - (3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
  - (4) Any other provisions of the law notwithstanding, a building permit or an occupancy permit shall not be required for buildings or trailers permitted in paragraph (1) of this section.
- 14.** In each instance in which approval of use or development of property is made subject to conditions by the County Council or Planning Commission in the approval of a Conditional Use Permit, Special Procedure, Mixed Use Development, or Planned Industrial or Commercial Development, a copy of the approved ordinance, resolution, order or permit shall be furnished by the property owner or owners or petitioner to the operator, owner, and manager, including successor operators, owners, and managers. Each successor shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of the conditions relating to the use and development of the property affected by the ordinance, resolution, order or permit and agrees to comply therewith.
- 15.** Subsequent to approval and recording or filing of a site development plan, site development concept plan, section plan or similar plan for the development and use of property under the special procedures of this Chapter or under the regulations of a planned district (C-8, M-3 or MXD), no development of property subject to such a plan shall be performed and no permit shall be issued for development unless such development is consistent with the plan and unless the property has been platted in accordance with the St. Louis County Subdivision Ordinance. No plat for property subject to such a plan shall be approved unless the plat is consistent with the plan. (O.No. 20672 - Adopted 10/24/01).

16. (1) In this subsection, the word "litter" means and includes, garbage, trash, refuse, junk, brush, inoperative machinery or other waste material; the phrase "otherwise lawful" means in compliance with applicable zoning district regulations and with all rules, regulations, ordinances, conditions, permits, and licenses applicable to the property or activity, whether arising from this Chapter or any other ordinance.

(2) Except as provided in this subsection:

- (a) No persons shall throw or deposit litter on any vacant or occupied property whether owned by such person or not.
- (b) The owner or person in control of any private property shall, at all times, maintain the premises free of litter.

(3) It shall be lawful:

- (a) To accumulate or store non-putrescible litter in a sight-proof structure or container.
- (b) To accumulate or store litter produced as an incident of the otherwise lawful use of the same premises where stored, where such storage is pending removal or disposal and does not exceed seven (7) days, provided the litter is placed or stored in a container or otherwise screened from the view of persons upon adjacent property or rights-of-way.
- (c) To operate an otherwise lawful, sanitary landfill, building demolition material site, vehicle or machinery repair facility, construction material stockpile, sewage treatment facility, salvage yard, or junk yard.
- (d) To store material to be used in an otherwise lawful agricultural or nursery operation on the premises devoted to such use.
- (e) To park, store, leave or permit the parking, storing or leaving of a junked or unlicensed motor vehicle or parts thereof upon any private property for a period of time not to exceed seventy-two (72) hours; however, nothing in this section shall be construed to prevent a person from keeping on that person's private property for a period of time not to exceed thirty (30) days one junked or unlicensed motor vehicle for the purpose of making minor repairs or modifications to it, or to prevent a person from keeping as motor vehicle of historic interest as defined in Section 301.131 R.S.Mo. (O.No. 17868 - Adopted 1/4/96).

17. (1) The Director of Public Works is authorized to issue a permit for the installation of amusement devices on a temporary basis within any zoning district, provided that said permit shall not be valid for more than ten (10) consecutive calendar days and further provided that no permit shall be valid without a license to operate said amusement devices as required by Sections 803.020 and 803.030 SLCRO. The Director may, in regard to any given site, designate the hours and days of the week of operation and the specific location of the amusement devices on the property. No more than two such permits shall be issued in any calendar year with regard to any particular property. For the purpose of this paragraph, "amusement device" includes those devices enumerated in Chapter 803 SLCRO and any similar device.

(2) The Director of Public Works is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Director of Public Works may request a report be submitted by the Director of Community Health and Medical Care with respect to any public health aspect of the proposal and by the Superintendent of Police with respect to any traffic or public safety aspect of the proposal if appropriate. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the Director of Public Works may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device construction or operating permit, highway special use permit, or other permit or license required by law for any proposed activity or facility. No more than two temporary amusement

- activity permits shall be issued in any calendar year with regard to any particular property; however, shopping centers containing 300,000 square feet of gross floor area may have four (4) temporary amusement activity permits in any calendar year; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. These provisions applicable to the period of time and the number of temporary permits for turkey shoots that can be held shall not apply to turkey shoots conducted on all Saturdays and Sundays falling within the months of October, November, and December of each year. (O.No. 20672 - Adopted 10/24/01).
- (3) The Director of Public Works is authorized to issue a permit to any not-for-profit organization for the installation of a Christmas Tree Sales Lot on a temporary basis within any zoning district, provided that said permit shall be valid for no more than thirty-five (35) days prior to Christmas day and five (5) days after Christmas day. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the Director of Public Works may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. The permit may include the installation of one temporary sign not to exceed thirty (30) square feet in outline area. The location of the sign shall be as approved by the Director of Public Works. (O.No. 14721 - Adopted 11/30/89).
- (4) The Director of Public Works is authorized to issue a permit to any church, school, or other not-for-profit organization for the establishment, on a temporary basis within any zoning district, of an outdoor sales event, service, and/or activity provided one hundred (100) percent of the profits go to charitable or public service purposes. The Director of Public Works may request a report be submitted by the Director of Health with respect to any public health aspect of the proposal and by the Superintendent of Police with respect to any traffic or public safety aspect of the proposal, if appropriate. The permit shall be issued for a specific period of time not exceeding fourteen (14) consecutive calendar days. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic; and the Director of Public Works may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. No more than four (4) such permits may be issued for any parcel of ground in any calendar year. (O.No. 17059 - Adopted 6/9/94.)
- 18.** An adult business shall not be located within one thousand (1,000) feet of the property line of any church, school, library, or park, nor within three hundred (300) feet of any property zoned R Residence District or NU Non-Urban District, nor within one thousand (1000) feet of two (2) other such uses. An adult business is any business which offers its patrons goods of which a substantial portion are adult oriented items or services relating to such times. Any business where more than twenty-five (25) percent of the retail value of merchandise offered for sale consists of adult oriented items shall be presumed to be an adult business. No adult business shall advertise, display or promote adult oriented items so that they are visible from outside the premises. (O.No. 17621 - Adopted 6/29/95.)
- 19.** No person shall park a Commercial Vehicle on any lot, where the primary use is a single-family or multiple-family dwelling, between the hours of 12:00 midnight and 6:00 a.m. of any day. (O.No. 23722 - Adopted 10/22/08.)