

THE ZONING ORDINANCE OF THE CITY OF LADUE, MISSOURI
Ordinance 1175, As Amended Through October 2025

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ORDINANCE 1175, WITH AMENDMENTS THROUGH OCTOBER 2025

This book contains a retyping of Ordinance 1175, with amendments through October 2025, entitled "The Zoning Ordinance of the City of Ladue, St. Louis County, Missouri". All amendments are included in their appropriate places in the body of the ordinance. Where a number appears in brackets at the end of a paragraph, it denotes the ordinance number by which this portion was amended. Because the Zoning Ordinance represents a continuous effort by City officials and their planning consultants to meet the needs designated by the city's comprehensive plan, the preamble to Ordinance 1175 is included and remains an integral part of the Zoning Ordinance.

PREAMBLE TO ORDINANCE 1175

WHEREAS, on the 21st day of November, 1938, the Council of the City of Ladue passed and adopted a Zoning Ordinance, being Ordinance #96 of the City; and,

WHEREAS, the said Zoning Ordinance was subsequently amended from time to time and was amended and re-codified into a single Ordinance #917 on April 3rd, 1967; and,

WHEREAS, at the request of the City Council, the City's Zoning and Planning Commission, with the assistance of planning consultants, has conducted a comprehensive survey and study of the zoning that presently exists in the City and of the City's foreseeable future needs with respect to zoning and with respect to proper and appropriate zoning of all of the land in the City, and the City's Zoning and Planning Commission has filed its written report with the City Clerk recommending that the City's comprehensive zoning plan, as reflected by the City's earlier Zoning Ordinances and the Amendments thereto, be continued and carried forward and recodified into a single ordinance containing appropriate changes which generally continue the City's basic plan of zoning as reflected by all of the Zoning Ordinances which it has heretofore enacted; and,

WHEREAS, a public hearing was held by the Council of the City on the 27th day of October, 1977, at the hour of 7:30 p.m. at the City Hall after publication in the St. Louis Countian, a paper of general circulation in the City of Ladue, of 15 days notice of the time and place of said hearing, at which hearing all persons who presented themselves and desired to be heard in connection therewith were heard; and,

WHEREAS, the Council has duly considered the entire subject matter, including the terms and provisions of its previously adopted Zoning Ordinances, the Amendments thereto, the advice and recommendations of its plan consultants and of its Zoning and Planning Commission, and the wishes expressed by persons appearing at the public hearing, and as the result thereof has concluded to adopt this Zoning Ordinance and repeal Ordinance No. 917, the previously existing zoning ordinances, and all ordinances amending Ordinance 917;

SECTION I. DISTRICTS AND BOUNDARIES

A. Districts.

The City of Ladue is hereby divided into the following districts:

- A - Residential District
- B - Residential District
- C - Residential District
- D - Residential District
- E - Residential District
- E-1 - Residential District
- F - Flood Plain District
- G1 - Commercial District
- G2 - Commercial District
- H - Light Industrial District

[Ord 1895, 2178]

B. District Boundaries

- (1) The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "Ladue Zoning District Map" dated July 25, 1977. The district map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the City Clerk of the City of Ladue, Missouri.
- (2) Whenever any street, alley or other public way is vacated by official action of the City Council of the City of Ladue, Missouri, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, unless such vacation ordinance provides otherwise, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- (3) All territory which may hereafter be annexed to the City of Ladue, Missouri, shall automatically be placed in the most restrictive Residential District until otherwise changed by ordinance.

SECTION II. GENERAL PROVISIONS

A. Except as hereinafter otherwise provided:

- (1) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used other than for a purpose permitted in the district in which the building or land is located.
- (2) No building shall be erected, converted, enlarged, reconstructed or structurally altered other than in conformity with the height regulations of the district in which the building is located.
- (3) No building shall be erected, converted, enlarged, reconstructed or structurally altered other than in conformity with the lot area and yard regulations of the district in which the building is located, except as specifically provided for in Section IV – D. [Ord. 1802].

- (4) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot.
- (5) No building shall be erected or structurally altered hereafter other than in conformity with the off-street parking and loading regulations of this ordinance.
- (6) No vehicle whether automotive, a trailer, mobile home, or similar item shall be used as a structure other than in conformity with the regulations of this ordinance.
- (7) Clearing, grading, excavating, filling, paving, removal of topsoil, changes in grade, and any other land disturbance activities on a property shall take place only in compliance with Section 110, Article IV of the Ladue Code of Ordinances. Such activities may not take place on the property without a primary structure on the property, an active permit for a primary structure, or other permitted use. *[Ord. 2148]*
- (8) No building or structure shall be changed, erected, altered, enlarged, or reconstructed without a permit as required by this ordinance. *[Ord. 1595]*
- (9) No building or structure occupying or proposed to occupy a parcel larger than two (2) acres located in the G1-Commercial District, G2-Commercial District, or H-Light Industrial District shall be erected, converted, enlarged, reconstructed, or structurally altered until a Site Development Plan has been approved pursuant to Section VIII of this ordinance. *[Ord. 1531, Ord. 1595]*
- (10) The regulations for the Flood Plain District are set forth in Ordinances No. 1149 and 1150 adopted June 21, 1976. No building shall be erected, reconstructed, structurally altered or changed within the Flood Plain District except in accordance with the provisions of the Flood Plain Ordinance. *[Editor's Note: Current Ordinance 1468, as amended by Ord. 1536 and Ord. 1595 govern.]*
- (11) Where any parcel within the G1-Commercial District or G2-Commercial District abuts any residential district, a 10-foot wide landscaped buffer shall be provided along all property lines of the parcel where it abuts a residential district.
- (12) Any parcel larger than two (2) acres being developed or redeveloped within the G1 - Commercial District or G2-Commercial District must have an approved Site Development Plan in compliance with the review procedure and requirements of Section VIII. *[Ord. 1531, Ord. 1595]*

SECTION III. DISTRICT REGULATIONS

Section III. DISTRICT REGULATIONS

A. Only the following uses shall be allowed in Residential Zoning districts:

1. Residential Zoning District A

a. District Intent

The A Residential Zoning District is intended for large lot residential zoning. The purpose is to retain the spacious, wooded, rural character of portions of the City. This district also covers areas of the City where dense development is impractical because of floodplain, waterways, and topography concerns. In addition, the traffic capacity of roadways in these areas generally constrains dense development.

b. Residential lot development requirements in Zoning District A

Required minimum lot area	3 acres
Required front yard setback	75 feet
Required side yard setback	50 feet
Required rear yard setback	50 feet
Required minimum frontage	150 feet
Required minimum lot width	200 feet
Maximum building height	45 feet

c. All residential development must comply with the requirements stated in Sections IV and V of the Zoning Ordinance regarding additional use regulations and height, area, and yard regulations.

d. Permitted uses shall be allowed as follows:

- 1- Single family dwelling, not exceeding 15,000 square feet in area under roof. (Ord. 1696)
- 2- Accessory buildings, structures, or uses as provided in Section IV. (Ord. 1595)
- 3- Concealed Communication Antenna on property with non-residential use in compliance with Section VIII.E.4. (Ord. 2273)

- 4- Non-concealed Communication Antenna on Alternative Support Structure on property with non-residential use at least 2 acres in size and in compliance with Section VIII.E.5. (Ord. 2273)
- 5- Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)

e. Uses that may be authorized by Special Use Permit are listed in Subsection B.

2. Residential Zoning District B

a. District intent

The B Residential Zoning District is similar to the A Residential District in that it also prohibits dense development in order to retain the natural vegetation and spacious character of the City. These are areas that are not as limited by waterways and topography and are more easily accessed via the City’s major arterial roads.

b. Residential lot development requirements in Zoning District B

Required minimum lot area	1.8 acres
Required front yard setback	50 feet
Required side yard setback	50 feet
Required rear yard setback	50 feet
Required minimum frontage	135 feet
Required minimum lot width	180 feet
Maximum building height	45 feet (subject to Section V.A)

c. All residential development must comply with the requirements stated in Sections IV and V of the Zoning Ordinance regarding additional use regulations and height, area, and yard regulations.

d. Permitted uses shall be allowed as follows:

- 1- Single family dwelling, not exceeding 15,000 square feet in area under roof. (Ord. 1696)
- 2- Accessory buildings, structures, or uses as provided in Section IV. (Ord. 1595)
- 3- Concealed Communication Antenna on property with non-residential use in compliance with Section VIII.E.4. (Ord. 2273)

- 4- Non-concealed Communication Antenna on Alternative Support Structure on property with non-residential use at least 2 acres in size and in compliance with Section VIII.E.5. (Ord. 2273)
- 5- Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)

e. Uses that may be authorized by Special Use Permit are listed in Subsection B.

3. Residential Zoning District C

a. District Intent

The C Residential Zoning District is intended for more traditional subdivision development, but still aims to maintain a significant amount of green space on each lot. These are areas that may have some general development limitations in terms of drainage ways, but that are generally easily accessible from the City’s arterials and major collector roads.

b. Residential lot development requirements in Zoning District C

Required minimum lot area	30,000 square feet
Required front yard setback	50
Required side yard setback	10 feet or 10% of the lot width, whichever is greater (need not exceed 20 feet)
Required rear yard setback	30 feet
Required minimum frontage	90 feet
Required minimum lot width	120 feet
Maximum building height	45 feet (subject to Section V.A)

c. All residential development must comply with the requirements stated in Sections IV and V of the Zoning Ordinance regarding additional use regulations and height, area, and yard regulations.

d. Permitted uses shall be allowed as follows:

- 1- Single family dwelling, not exceeding 15,000 square feet in area under roof. (Ord. 1696)
- 2- Accessory buildings, structures, or uses as provided in Section IV. (Ord. 1595)
- 3- Concealed Communication Antenna on property with non-residential use in compliance with Section VIII.E.4. (Ord. 2273)

- 4- Non-concealed Communication Antenna on Alternative Support Structure on property with non-residential use at least 2 acres in size and in compliance with Section VIII.E.5. (Ord. 2273)
- 5- Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)

e. Uses that may be authorized by Special Use Permit are listed in Subsection B.

4. Residential Zoning Districts D & E

a. District Intent

The D and E Residential Zoning Districts are frequently located near schools and parks. Residential development is higher in density and provides more affordable housing alternatives.

b. Residential lot development requirements in Zoning District D

Required minimum lot area	15,000 square feet
Required front yard setback	40 feet
Required side yard setback	10 feet or 10% of the lot width, whichever is greater (need not exceed 15 feet)
Required rear yard setback	30 feet
Required minimum frontage	55 feet
Required minimum lot width	75 feet
Maximum building height	45 feet (subject to Section V.A)

c. Residential lot development requirements for Zoning District E

Required minimum lot area	10,000 square feet
Required front yard setback	40 feet
Required side yard setback	10 feet
Required rear yard setback	30 feet
Required minimum frontage	50 feet
Required minimum lot width	70 feet
Maximum height	45 feet (subject to Section V.A)

- d. All residential development must comply with the requirements stated in Sections IV and V of the Zoning Ordinance regarding additional use regulations and height, area, and yard regulations.
 - e. Permitted uses shall be allowed as follows in Zoning Districts D and E:
 - 1- Single family dwelling, not exceeding 15,000 square feet in area under roof. (Ord. 1696)
 - 2- Accessory buildings, structures, or uses as provided in Section IV.
 - 3- Concealed Communication Antenna on property with non-residential use in compliance with Section VIII.E.4. (Ord. 2273)
 - 4- Non-concealed Communication Antenna on Alternative Support Structure on property with non-residential use at least 2 acres in size and in compliance with Section VIII.E.5. (Ord. 2273)
 - 5- Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)
 - f. Uses that may be authorized by Special Use Permit are listed in Subsection B.
5. Residential Zoning District E1
- a. District Intent

The E1 Zoning District is a pedestrian-friendly residential zoning district with easy access to the Clayton Road Commercial District. This district is intended for smaller-scale homes.
 - b. Residential lot development requirements for Zoning District E1

Required minimum lot area	10,000 square feet
Required front yard setback	25 feet
Required side yard setback	10 feet
Required rear yard setback	30 feet
Required minimum frontage	50 feet
Required minimum lot width	70 feet
Maximum building height	28 feet (subject to Section V.A)
Maximum floor area ratio (FAR)	0.42

- c. All residential development must comply with the requirements stated in Sections IV and V of the Zoning Ordinance regarding additional use regulations and height, area, and yard regulations.
- d. Permitted uses shall be allowed as follows:
 - 1- Single family dwelling, not exceeding 9,000 square feet in area under roof. (Ord. 1696)
 - 2- Accessory buildings, structures, or uses as provided in Section IV. (Ord. 1595)
 - 3- Concealed Communication Antenna on property with non-residential use in compliance with Section VIII.E.4. (Ord. 2273)
 - 4- Non-concealed Communication Antenna on Alternative Support Structure on property with non-residential use at least 2 acres in size and in compliance with Section VIII.E.5. (Ord. 2273)
 - 5- Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)
- e. Uses that may be authorized by Special Use Permit are listed in Subsection B.

B. Special Use Permits in Residential Districts

The following uses may be allowed in the A, B, C, D, E, and E1 zoning districts with a Special Use Permit:

- 1- Single family dwellings exceeding 15,000 square feet in area under roof in A, B, C, D, and E zoning districts.
- 2- Single family dwellings exceeding 9,000 square feet in area under roof in the E1 zoning district.
- 3- Private residential garages with a floor area that exceeds the limitation in Section IV-A-(1)-(b).
- 4- Institutions of an educational, religious, or philanthropic nature.
- 5- Universities, colleges, and schools including high schools, elementary schools, kindergarten, pre-kindergarten, and nursery schools.
- 6- Private clubs.
- 7- Riding academy or stables in connection with private clubs where horses are cared for or rented for remunerations or otherwise.
- 8- Facilities of any public body or agency or department of any city, county, state, or federal government.
- 9- The use of a building, premises, or easement for local public utility facilities, including but not limited to office buildings, substations, towers and, transmission lines, operated by a public utility corporation or for public utility purposes necessary to the public convenience or welfare.
- 10 - Public park (may include landscaping, walking trails, tables, benches, shelter, and playground) without parking area.
- 11 - Stealth communication tower, but only on a lot of not less than 2 acres in size, occupied by a non-residential use.
- 12 - Small wireless facility that does not meet the criteria to be a permitted use per Section VIII.E.2. (Ord. 2273)
- 13 - Non-concealed Communication Antenna on Alternative Support Structure not in compliance with Section VIII.E.5. (Ord. 2273)

C. Commercial Zoning Districts shall be developed according to the following requirements:

1. Neighborhood Commercial District G1

a. District Intent

The Neighborhood Commercial District G1 is primarily intended to accommodate low-impact, small-scale, neighborhood retail and service uses in smaller storefront buildings. Pedestrian friendly orientation of buildings is encouraged. Office buildings with no more than 2 stories are also permitted in this area.

b. Commercial lot development requirements for Zoning District G1

Required minimum lot area	None
Required front yard setback	20 (if parking is located at side or rear of building) 60 (if parking is located in front of building)
Required side yard setback	5*
Required rear yard setback	30 feet
Required minimum frontage	50 feet
Required minimum lot width	50 feet
Maximum building height	35 feet (subject to Section V.A)
Maximum floor area permitted (without Special Use Permit)	7,500 square feet

*If building will be directly in line with adjacent structures and continue an existing commercial pattern, a side setback of zero may be allowed by City Council based on the recommendation of the City Planner and Zoning and Planning Commission.

c. All commercial and industrial development must comply with the requirements in Sections VI and VIII of the Zoning Ordinance, regarding parking, access, loading, and overall site development.

d. Permitted uses shall be allowed as follows:

- 1- Financial institution without mobile banking.
- 2- Personal care services to include barber shop or hair salon, nail salon, tailor, and shoe repair.
- 3- Professional or Business Office.
- 4- Medical or dental office less than 3,000 square feet in size.

- 5- Public park (may include landscaping, walking trails, tables, benches, shelter, and playground) without parking area.
 - 6- Restaurants, not including those serving liquor by the drink or those with seating areas open to the outdoors, whether covered or uncovered. (Ord. 1637)
 - 7- Store or shop (including pharmacy) for the conduct of retail business, other than automotive sales.
 - 8- Art/ photography studio or gallery.
 - 9- Accessory building, structure, or use including required parking lots. (Ord 1595)
 - 10 - Storage of products and materials. Must be completely enclosed within a building and consist of not more than 40 percent of the total floor area of any building or group of buildings on a lot used for a permitted use.
 - 11 - Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)
 - 12 - Concealed Communication Antenna in compliance with Section VIII.E.4
 - 13 - Stealth communication tower (Ord. 2273)
 - 14 - Non-concealed Communication Antenna on Alternative Support Structure in compliance with Section VIII.E.5. (Ord. 2273)
- e. The following uses may be allowed in the G1 Zoning District with a Special Use Permit:
- 1- Institutions of an educational, religious, or philanthropic nature.
 - 2- Universities, colleges, and schools including high schools, elementary schools, kindergarten, pre-kindergarten, and nursery schools.
 - 3- Private clubs.
 - 4- Riding academy or stables in connection with private clubs where horses are cared for or rented for remunerations or otherwise.
 - 5- Facilities of any public body or agency or department of any city, county, state, or federal government.
 - 6- The use of a building, premises, or easement for local public utility facilities, including but not limited to substations, towers, transmission lines,

operated by a public utility corporation or for public utility purposes necessary to the public convenience or welfare.

- 7- Service station.
- 8- Gym or fitness center.
- 9- Day spa.
- 10 - Medical or dental office 3,000 square feet or larger and set back at least 150 feet from the roadway. (Use shall be prohibited in this district if building is set back less than 150 feet from the roadway.)
- 11 - Clinic. (Use shall be prohibited in this district if building is set back less than 150 feet from the roadway.)
- 12 - Music or dance school.
- 13 - Recreational facilities (athletic courts, athletic fields) or public park with parking facilities.
- 14 - Financial institution with mobile banking. All drive-through facilities must comply with Section VII, F.8 of the Zoning Ordinance.
- 15 - Restaurants, taverns, cocktail lounges, and other establishments serving liquor by the drink.
- 16 - Restaurants with seating areas open to the outdoors, whether covered or uncovered. (Ord. 1637)
- 17 - Dry cleaning and laundry service.
- 18 - Facilities for massage therapy performed by therapists licensed by the State of Missouri. (Ord 1649)
- 19 - Special Events.
- 20 - New non-residential development, including new construction, addition, and modification to an existing non-residential development, that will result in at least 7,500 square feet of floor area within a building. This includes the combination of separate commercial spaces into a single commercial space that comprises 7,500 square feet within a building for a new or modified use. (Ord. 2160)
- 21 - Small wireless facility that does not meet the criteria to be a permitted use per Section VIII.E.2. (Ord. 2273)
- 22 - Non-concealed Communication Antenna on Alternative Support Structure not in compliance with Section VIII.E.5. (Ord. 2273)

- f. Notwithstanding the above listed permitted uses and uses allowed by special use permit, any parcel rezoned from any residential zoning district to the G1 zoning district after 5/19/25 and that borders a residential use on more than one side shall require a Special Use Permit when the use of the property changes to a different use category. For the purposes of this section, a use category is defined as any of the enumerated use options listed in Section III.C.1.(d) and (e) of this Zoning Ordinance. (Ord. 2389)

2. General Commercial District G2

a. District Intent

The General Commercial District G2 is intended for retail, service, and office uses that are in high traffic areas and generally draw clientele from a larger region, such as shopping centers and business parks. The majority of customers are expected to arrive by automobile.

b. Commercial lot development requirements for Zoning District G2

Required minimum lot area	None
Required front yard setback	50 feet
Required side yard setback	5 feet
Required rear yard setback	30 feet
Required minimum frontage	75 feet
Required minimum lot width	100 feet
Maximum building height	45 feet (subject to Section V.A)
Maximum floor area permitted (without Special Use Permit)	7,500 square feet

- c. All commercial and industrial development must comply with the requirements in Sections VI and VIII of the Zoning Ordinance, regarding parking, access, loading, and overall site development.

d. Permitted uses shall be allowed as follows:

- 1- Financial institution without mobile banking.
- 2- Personal care services to include barber shop or hair salon, nail salon, tailor, and shoe repair.
- 3- Dry cleaning and laundry service.
- 4- Professional or Business Office.
- 5- Medical or dental office less than 3,000 square feet in size.

- 6- Public recreational facilities (athletic courts, athletic fields) or public park with parking facilities.
 - 7- Restaurants (not including those serving liquor by the drink or those with seating areas open to the outdoors, whether covered or uncovered. (Ord. 1637))
 - 8- Store or shop (including pharmacy) for the conduct of retail business, other than automotive sales.
 - 9- Gym or fitness center less than 3,500 square feet in size.
 - 10 - Art/ photography studio or gallery.
 - 11 - Accessory building, structure, or use including required parking lots. (Ord 1595)
 - 12 - Storage of products and materials. Must be completely enclosed within a building and consist of not more than 40 percent of the total floor area of any building or group of buildings on a lot used for a permitted use.
 - 13 - Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)
 - 14 - Concealed Communication Antenna in compliance with Section VIII.E.4
 - 15 - Stealth communication tower (Ord. 2273)
 - 16 - Non-concealed Communication Antenna on Alternative Support Structure in compliance with Section VIII.E.5. (Ord. 2273)
- e. The following uses may be allowed in the G2 Zoning District with a Special Use Permit:
- 1- Institutions of an educational, religious, or philanthropic nature.
 - 2- Universities, colleges, and schools including high schools, elementary schools, kindergarten, pre-kindergarten, and nursery schools.
 - 3- Private clubs.
 - 4- Riding academy or stables in connection with private clubs where horses are cared for or rented for remunerations or otherwise.
 - 5- Facilities of any public body or agency or department of any city, county, state, or federal government.
 - 6- The use of a building, premises, or easement for local public utility facilities, including but not limited to substations, towers, transmission lines, operated by a public utility corporation or for public utility purposes necessary to the public convenience or welfare.

- 7- Service station.
- 8- Theater (live performance and film).
- 9- Music or dance school.
- 10 - Financial institution with mobile banking. All drive-through facilities must comply with Section VII, F.8 of the Zoning Ordinance.
- 11 - Restaurants, taverns, cocktail lounges, and other establishments serving liquor by the drink.
- 12 - Restaurants with seating areas open to the outdoors, whether covered or uncovered. (Ord. 1637)
- 13 - Drive-through facilities for pharmacy and dry cleaning/laundry establishments. All drive-through facilities must comply with Section VII, F.8 of the Zoning Ordinance.
- 14 - Medical or dental office 3,000 square feet or larger.
- 15 - Clinics of any type.
- 16 - Gym or fitness center 3,500 square feet or larger.
- 17 - Day spa.
- 18 - Facilities for massage therapy performed by therapists licensed by the State of Missouri. (Ord 1649)
- 19 - Special Events.
- 20 - Repealed (*Ord. 2304*)
- 21 - Communication tower.
- 22 - New non-residential development, including new construction, addition, and modification to an existing non-residential development, that will result in at least 7,500 square feet of floor area within a building. This includes the combination of separate commercial spaces into a single commercial space that comprises 7,500 square feet within a building for a new or modified use. (Ord. 2160)
- 23 - Vehicle leasing facilities on a property not less than 2 acres. Additional requirements are listed in Section VII.
- 24 - Car sales as an accessory use on a property not less than 3.5 acres in size. An accessory use is incidental to the main use of the property and may not occupy more than 33% of the total area of the principal use. Additional requirements for accessory car sales are listed in Section VII.
- 25 - Medical Marijuana Dispensaries. (Ord. 2226)

- 23 - Small wireless facility that does not meet the criteria to be a permitted use per Section VIII.E.2. (Ord. 2273)
- 24 - Non-concealed Communication Antenna on Alternative Support Structure not in compliance with Section VIII.E.5. (Ord. 2273)

3. Light Industrial District – Zoning District H

a. District Intent

The Light Industrial District H is intended for industrial-type uses including extraction and processing of materials.

b. Industrial lot requirements for Zoning District H

Required minimum lot area	1 acre
Required front yard setback	50 feet
Required side yard setback	20 feet
Required rear yard setback	30 feet
Required minimum frontage	150 feet
Required minimum lot width	200 feet
Maximum building height	45 feet (subject to Section V.A)

c. All industrial developments must comply with the requirements in Sections VI and VIII of the Zoning Ordinance, regarding parking, access, loading, and overall site development.

d. Permitted uses shall be allowed as follows:

- 1- Any light manufacturing plant or establishment which does not constitute a nuisance due to the emission of noise, odor, gas, smoke, vibration, or otherwise.
- 2- Storage of products or materials completely enclosed within a building.
- 3- Accessory building, structures, or uses including required parking lots as provided in Section IV (Ord 1595).
- 4- Small Wireless Facility in right-of-way or utility easement in compliance with Section VIII.E.2. (Ord. 2273)
- 5- Concealed Communication Antenna in compliance with Section VIII.E.4

- 6- Stealth communication tower (Ord. 2273)
 - 7- Non-concealed Communication Antenna on Alternative Support Structure in compliance with Section VIII.E.5. (Ord. 2273)
- e. The following uses may be allowed in the H1 Zoning District with a Special Use Permit:
- 1- Facilities of any public body or agency or department of any city, county, state, or federal government.
 - 2- The use of a building, premises, or easement for local public utility facilities, including but not limited to substations, towers, transmission lines, operated by a public utility corporation or for public utility purposes necessary to the public convenience or welfare.
 - 3- Extraction or processing of raw materials of all kinds.
 - 4- Exterior storage of products or materials.
 - 5- Repealed (Ord. 2304)
 - 6- Communication tower.
 - 7- Small wireless facility that does not meet the criteria to be a permitted use per Section VIII.E.2. (Ord. 2273)
 - 8- Non-concealed Communication Antenna on Alternative Support Structure not in compliance with Section VIII.E.5. (Ord. 2273)
 - 9- Medical Marijuana Cultivation Facility. (Ord. 2226)
 - 10 - Medical Marijuana-Infused Products Manufacturing Facility. (Ord. 2226)
 - 11 - Medical Marijuana Testing Facility. (Ord. 2226)
 - 12 - Medical Marijuana Transportation Facility. (Ord. 2226)

D. Prohibited Uses. The uses listed in this Section are the only uses allowed in the City of Ladue. Notwithstanding, the following uses are expressly prohibited within any zoning district:

- 1 - Multiple family dwellings and condominiums.
- 2 - Multi-level parking garages with parking structure more than 5 feet above grade.
- 3 - Automotive sales, unless approved as an accessory use to an existing business.
- 4 - Drive through auto washing facilities.

- 5 - Funeral homes.
- 6 - Massage parlors.
- 7 - Commercial pool parlors and game rooms.
- 8 - Nursing homes.
- 9 - Hospitals.
- 10 -Motels and Hotels.
- 11 -Short-term rentals.

[Section III replaced per Ordinance 2178]

SECTION IV. ADDITIONAL USE REGULATIONS**A. Accessory Buildings, Structures and Uses**

Subject to all other provisions of this ordinance not in conflict with this subsection A, the following accessory buildings, structures and uses are permitted:

(1) Accessory Buildings and Structures in the Residential Districts

- (a) A private non-commercial greenhouse, according to the following:
 - i. Structure shall not exceed in floor area 25 percent of the ground floor area of the main building.
 - ii. Height of structure shall not exceed 20 feet unless additional height is specifically approved by the ARB.
 - iii. The structure should be of metal unless otherwise approved by the ARB.
[This subsection (a) amended by Ord. 2253]
- (b) A structure or part thereof used only as a private garage for the housing of vehicles and trailers and with a floor area not to exceed 800 square feet; however, said structure may exceed 800 square feet if located upon a lot containing an area of more than one acre and there is an average of one-half additional acre of lot area for each 200 square feet of floor area over and above the 800 square feet.
- (c) A structure used as a private stable with stalls for two horses in the A, B, and C Districts, provided it is located upon a lot containing an area of not less than one and eight-tenths acres. One additional stall may be provided for each additional acre of lot area above the 1.8 acres.
- (d) Tennis court, garden house, pergola, tool shed and similar structures customarily accessory to residential use.
- (e) Residential swimming pools, according to the following standards:
 - i. Pools and pool equipment shall be considered accessory structures and shall meet the setbacks for accessory structures in the district in which they are located.
 - ii. A building permit is required and must meet the requirements in Chapter 134 of the Ladue Code of Ordinances.
 - iii. All residential swimming pools shall be permanently installed below the level of the natural grade adjacent to the swimming pool.
 - iv. For sloping sites, on which a retaining wall is required, a portion of the pool structure may be built above the ground of the surrounding land, but must be contained by a retaining wall. Retaining wall must comply with Section IV.F. of the Ladue Zoning Ordinance.

- v. All swimming pools shall be maintained in a clean and sanitary condition and treated or designed to control the growth of bacteria.
 - vi. Landscaping shall be incorporated into the design of the pool site in order to screen the view of the pool and pool equipment from neighbors. Fences or other pool barriers shall comply with Chapter 134 of the Ladue Code of Ordinances, as well as Subsection IV.C. of the Zoning Ordinance.
 - vii. Any temporary swimming pool shall be drained after each use and put away overnight.
 - viii. Drainage of swimming pools must comply with Chapter 134 of the Ladue Code of Ordinances.
 - ix. Spas and hot tubs shall not be subject to these restrictions, but must comply with Chapter 134 of the Ladue Code of Ordinances.
- (f) The total area of all accessory buildings shall not exceed the floor area of the main building in a residence district.
- (g) Accessory Antennae, as defined in Section XV, shall be allowed as an accessory use in any residential district provided that such antennae do not exceed 35 feet in height as measured from the ground. If any such accessory antenna is used for transmitting, the owner shall install anti-interference equipment. *[Ord. 1698]*
- (h) Satellite Dish Antennae, as defined in Section XV, shall be allowed as an accessory use in any residential district provided that such antennae are one meter or less in diameter and not erected higher than 35 feet above the ground. *[Ord. 1698]*
- (i) Accessory buildings and structures in the E-1 District shall be limited to a height not to exceed 15 feet. *[Ord. 1895]*
- (j) Chicken shelter and enclosure, with the following restrictions:
- i. Property must have a valid current permit issued pursuant to Chapter 18. Article IV. of the Ladue Code of Ordinances.
 - ii. Chicken shelter and enclosure must be approved by the ARB. *[This subsection (j) added by Ord. 2253]*
- (k) Accessory structure for the keeping of animals, according to the following:
- i. Structure must be located within the rear yard and must comply with the main structure setbacks for the applicable zoning district.
 - ii. Structure must be located at least 50 feet from residential buildings on adjacent or other nearby properties. This does not apply to the property on which the animal enclosure lies.
 - iii. Structure shall not exceed 7 feet in height.
 - iv. Animal enclosure shall be screened from adjacent properties (at ground level) and from all roadways public or private by a privacy fence or vegetative screen.

- v. Structure may incorporate wire mesh, but such wire mesh shall be 18-gauge or finer, or as otherwise approved by the Architectural Review Board.
 - vi. Structures must be approved by the Architectural Review Board.
 - vii. Nothing in this section shall be construed to allow any property owner to maintain a nuisance on their property. All keeping of animals must comply with the Ladue Code or Ordinances, especially in relation to noise, odor, and disposal of waste, as well as other applicable state and local laws. *[This subsection (k) added by Ord. 2253]*
- (l) Garden enclosure, according to the following:
- i. Structure must be located within a side or rear yard and must comply with accessory setbacks.
 - ii. Structure shall not exceed 7 feet in height.
 - iii. Structure should be constructed of wood members or other quality material and may incorporate wire mesh, but such wire mesh shall be 18-gauge or finer.
 - iv. Structures must be approved by the Architectural Review Board. *[This subsection (l) added by Ord. 2253]*
- (m) The Architectural Review Board shall have the authority to allow exceptions to the maximum heights and suggested materials for accessory structures, as regulated by this Subsection IV. A.1., in order to allow the enclosures to be consistent with improvements on the subject property and adjacent properties, and/or due to natural features of the site, such as topographical considerations, but only if such exception is the minimum necessary and would not be out of character with the area or otherwise be detrimental to surrounding property. *[Ord. 2253]*
- (2) Accessory Uses in the Residential Districts *[Ord. 2314]*
- (a) Uses customarily accessory to residential uses.
 - (b) Living accommodations for persons employed for domestic or related services and living on the premises.
 - (c) Raising and keeping of small animals and fowl, but not on a commercial basis, as regulated by Chapter 18 of the Ladue Code or Ordinances. (Ord. #2188)
 - (d) Home Occupations, including either a No-Impact Home Based Business or other Home-Based Work, as defined in Section XVI are allowed if they are in compliance with items i-vii below and meet the requirements in Chapter 50 of the Ladue Code of Ordinances.
 - i. Use shall be clearly incidental and secondary to the primary residential use of the dwelling unit and shall not occupy more than forty-nine percent (49%) of the floor area of the dwelling.
 - ii. Use shall not change the residential character of the residential building by altering or modifying the exterior of the dwelling so as to indicate the

presence of a Home Occupation.

- iii. The Home Occupation shall not create other visible evidence of conduct of the Home Occupation or clear indication of a commercial operation (including outdoor storage) visible from the street, including all associated activity that occurs inside the residential dwelling and in the yard of the residential dwelling.
 - iv. Use is operated such that the total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling.
 - v. Home occupation pays all applicable taxes and otherwise operates in compliance with applicable city, state, and federal law.
 - vi. Home occupation is operated by a resident or residents of the dwelling unit. The conduct of a Home Occupation is personal to and limited to the resident of the lot on which the Home Occupation is being conducted. Upon sale or conveyance of such lot, the Home Occupation shall not continue to be operated by the previous owner from that location and such use for a Home Occupation shall terminate. This requirement shall not be construed as prohibiting the new owner of the property from pursuing any legally permissible Home Occupation in his/her own right.
 - vii. Home occupation does not adversely affect the character of the surrounding neighborhood by allowing or causing, for example: commercial or delivery vehicles used in connection with the home occupation to be parked at or stored on the dwelling or visit the premises with a frequency of more than two (2) visits per day; a steady or concentrated visitation of clients to the dwelling; a substantial increase in traffic or on-street parking through the residential area; storage or the use of equipment that produces negative effects outside the home or accessory structure; or similar adverse impacts.
 - viii. Nothing in this Subsection pertaining to Home Occupations shall be deemed to:
 - Prohibit mail order or telephone sales for Home Occupations;
 - Prohibit service by appointment within the home or accessory structure;
 - Prohibit or require structural modifications to the home or accessory structure;
 - Restrict the hours of operation for Home Occupations;
 - Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure; or
 - Restrict or prohibit a particular occupation that is legal under the laws of the City, State, and United States.
- (3) Accessory Buildings, Structures and Uses in the G - Commercial and H - Industrial Districts:
- (a) Buildings other than the main building may be erected and used for uses permitted in the District.

- (b) No trailer shall be parked overnight on the premises of a filling station. *[Ord. 1595]*
 - (c) Satellite Dish Antennae, as defined in Section XV, shall be allowed as an accessory use in any commercial or industrial district provided that such antennae are two meters or less in diameter. Any satellite dish antenna that is larger than two meters in diameter shall be considered a communication antenna, as defined in Section XV, and regulated as a special use.
- (4) There shall be the following additional regulations for accessory buildings and structures:
[Ord. 1637]
- (a) In the residential districts, no accessory building or structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building or structure shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.
 - (b) An accessory building or other roofed structure shall not exceed 650 square feet in the C, D, or E District, except on lots of 1.8 acres or greater, nor shall accessory buildings or structures occupy more than 30 percent of a rear yard or 30 percent of the combined total surface area of both side yards, and in the E-1 District more than 25% of one side yard. *[Ord. 1895, amended by Ord. 2339]*
 - (c) No accessory building or structure may be erected in a front yard on a lot with single frontage, or in either front yard of a corner lot, except driveways, sidewalks, fences, permitted retaining walls and waterway stabilization walls and additional parking as permitted by Section V-C-(1)-(b). Within the front yard, but not the required front yard, accessory structures are permitted with the exception of swimming pools, tennis courts, play apparatus, and roofed structures. (Ord. 1752; Ord. 1889)
 - (d) An accessory building or structure shall not be used for dwelling purposes, except by members of the family, as defined by Section XV, or by persons employed for domestic or related services to a resident of the main building. An accessory building or structure shall not be used as rental property. *[Ord. 1595]* (Ord. 2164)
 - (e) Except as otherwise required by applicable law, no vehicle whether automotive or a trailer, mobile home, or similar item, whether supported by wheels or with wheels removed, shall be kept or used in this city for temporary or permanent living purposes or for temporary or permanent storage, processing or treatment of machinery, equipment, merchandise or commodities of any type, on any lot or tract of land within the City of Ladue except for the following:
 - i. A vehicle may be used temporarily for office or administrative purposes in connection with building, road, sewer, or utility construction, but must be removed immediately upon completion of the project.
 - ii. A mobile food vendor may be approved for a Special Event but must be licensed by the City of Ladue in accordance with Chapter 86 of the Ladue Code of Ordinances.

- (f) Portable storage units (PSUs), as defined in Section XV, may be placed on private property with an approved permit. PSUs may be placed on private property for a period of five (5) calendar days. PSUs may be so placed on two separate occasions within any twelve-month period. PSUs must be placed on concrete, asphalt or other paved surfaces only, and not within a required front or side yard. They must not be placed on the street or on sidewalks. This section does not apply to other types of storage units such as construction trailers, which are regulated elsewhere in this section. [Ord. 1917]
- (g) All fuel storage tanks shall be placed under ground except as may be allowed above ground in the Light Industrial District under the City of Ladue Building Code. [Ord. 1595], [Ord. 1917]

B. Sign Regulations

Signs are permitted in the zoning districts in accordance with the provisions of Chapter 35 of the City of Ladue Code of Ordinances relating to signs and in accordance with Section XI of this zoning ordinance. [Ord. 1662]

C. Fence Regulations

- (1) Fences in front yards¹ shall comply with the following:
 - (a) Except as specifically allowed in other paragraphs of this Section IV. C. (1), fences in any front yard shall not exceed 42 inches in height.
 - (b) At least 40 percent of the area of said fence shall be open as viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence, except that solid stone or brick walls not exceeding 36 inches in height are permitted.
 - (c) Fences shall be located no closer than six (6) inches to any street right-of-way line or private road right-of-way line. {Ord. 2063}
 - (d) Yards that abut Interstate Highways shall not be considered front yards and shall be subject to Subsection (2)(d).
 - (e) Fences shall not be placed on top of earth berms or retaining walls in required front yards.
 - (f) On through lots or corner lots on residential properties, fences in required yards that abut Clayton Road, Conway Road, Dielman Road, Ladue Road, Lindbergh Boulevard, McKnight Road, Price Road, and Warson Road may be erected as privacy fences, semi-private fences, or open fences, and may be erected to a maximum height of six (6) feet when all of the following conditions are met:
 - (i) the primary front yard abuts a private road;

¹ Note: A front yard is any yard adjacent to a public or private right-of-way or access easement. This includes primary and secondary front yards.

- (ii) such fences are located no closer than six (6) feet to any street right-of-way line;
 - (iii) the street side of such fence shall have landscaping consisting of a hedge, shrubbery with individual plants placed not more than five (5) feet on center, evergreen shrubs and trees placed not more than ten (10) feet on center, or a combination thereof, provided that all evergreen shrubs and trees are at least six (6) feet in height and all other plant material is at least four feet in height at the time of planting, and not less than 75% of the plant material shall be evergreen shrubs or trees. The City encourages the use of evergreen shrubs, trees, and other plants that have moderate lateral growth and vertical growth that will not interfere with overhead utilities.
 - (iv) no part of such fence exceeding 36 inches in height, as measured from the topmost point thereof to the ground adjacent to the fence, is located within 30 feet of the intersection of two or more streets.
 - (v) the fence and all plantings shall comply with all city ordinances regarding site obstructions.
 - (vi) the property owner will be responsible for maintaining any landscaping required by this section and the removal of any trash and any debris along the fence.
- (g) Fences in a secondary front yard (as defined in Section XVII) that do not meet the criteria in (1)(d) of this Section IV.C.(1) must meet all requirements in this Section (minimum openness, setbacks, etc.) except that fences may be built to a maximum height of 48”.

(Ord. 1919, Ord. 2363)

- (2) Fences located within any side or rear yard on a residential property shall comply with the following:
- (a) A fence in a side or rear yard shall not exceed six (6) feet in height, except as specifically permitted by another paragraph of this Subsection C.
{amended by Ord. 1784}; {Ord. 2063}
 - (b) Fences located within any required side or rear yard that abuts any non-residentially zoned land (property in the G1, G2, or H districts) within the City of Ladue may be erected to a maximum height of eight (8) feet.
 - (c) Fences located within any required side or rear yard that abuts any land in another municipality that is not zoned single-family may be erected to a maximum height of eight (8) feet.
 - (d) Fences in yards that abut Interstate Highways shall not be considered front yards and may be erected to a maximum height of eight (8) feet.

- (3) Fences not located within any required yard shall not exceed six (6) feet in height, except as otherwise specifically allowed by this Subsection C.
- (4) Fences for non-residential uses shall comply with the following:
 - (a) Fences enclosing an institution, a public park, schools, commercial, or industrial property may consist of a chain link fence not to exceed a height of six (6) feet.
 - (b) The Zoning and Planning Commission may authorize fences of other types for these uses in excess of six (6) feet for the purposes of the facility or for appropriate screening if deemed necessary for Special Use Permit or Site Plan Approval.
- (5) Fences enclosing accessory structures shall be regulated as follows:
 - (a) Fences enclosing swimming pools shall comply with the requirements of the applicable City of Ladue Pool and Spa Code in the City's Code of Ordinances and can exceed the maximum limitations of this section so as to comply with the applicable City Pool and Spa Code, but for no other reasons.
 - (b) Open wire mesh fences surrounding tennis courts may be erected to a height of 12 feet, if such fences shall only enclose a regulation court area and standard apron areas. Fences surrounding sport courts must meet accessory structure setbacks.
- (6) Fence height shall be regulated as follows:
 - (a) Fence height shall be measured as the distance from the topmost portion of the fence to the ground adjacent to the fence. Fence posts may exceed the height of the fence by not more than six (6) inches.
 - (b) Any fence placed upon an erected earth berm shall govern its height as measured from the grade adjacent to said earth berm.
 - (c) Any fence placed upon a retaining wall shall govern its height as measured from the highest ground adjacent to the retaining wall. {Ord. 1752}
- (7) Fence materials and construction shall comply with the following:
 - (a) Except as otherwise permitted in this Subsection C., fences shall be constructed of stone, brick, concrete block with stucco finish, wrought iron, wood, or similar materials except that plywood fences are not allowed.
 - (b) Permitted fence colors shall be black, white, brown, and gray, unless otherwise restricted by this Subsection. Other fence colors may be permitted if approved by the Architectural Review Board.
 - (c) Vinyl fence materials shall be allowed if proposed fence is in compliance with all other requirements of the Zoning Ordinance, as well as the following:
 - i. The vinyl material shall be 100% vinyl.
 - ii. Vinyl fences shall be allowed in the front yard if they meet the height

and openness requirements for front yard fences.

- iii. Vinyl privacy fencing shall be allowed if such fencing is gray or brown in color or textured to resemble wood or another approved material. Semi-private vinyl fences shall be allowed in colors listed in Subsection 7b.
 - iv. In order for a vinyl product to be approved, a manufacturer's specification sheet and images of the proposed material shall be submitted with the application.
 - v. The Building Department may require additional information and/or a sample of the material in order to determine if the proposed fence meets these requirements.
- (d) For stockade and similar type fences, the finished side of the fence shall face outward and all structural or supporting members of the fence must be constructed to be within or toward the area to be enclosed.
- (e) No barbed wire, razor wire or similar material, chain link fencing, nor any electrical elements or other hazardous materials shall be maintained as a fence or part of a fence or wall, except as otherwise specifically permitted in this Subsection C. Invisible fences designed to contain dogs or other domestic animals may be installed underground in any part of a yard when such fences are not a hazard to humans. {Ord. 2063}
- (f) Wire mesh is prohibited for fencing materials except as follows:
- i. Wire mesh fencing may be approved for a chicken enclosure on a property with a valid current permit issued pursuant to Chapter 18. Article IV. of the Ladue Code of Ordinances.
 - ii. Wire mesh may be added to existing conforming fences that are in a side or rear yard, but such fence must be outside of the accessory setbacks for the property.
 - iii. All wire mesh shall be 18-gauge or finer.
 - iv. Whenever wire mesh is attached to posts or other frame, it shall be attached to the inside of the posts or frame.
[This subsection (f) added by Ord. 2253]
- (8) Permits are required for the erection of fences as follows:
- (a) A permit shall be required to erect a new fence or to reconstruct, replace, or repair all or a portion of any existing fence. The permit application shall be accompanied by a site plan indicating the location, lineal dimensions of the existing or proposed fence, fence height, and a photograph or drawing of the proposed improvements. The application shall be signed by the owner. Inspection of the work will be performed by the city and the owner or the owner's agent shall advise the Building Inspector not less than two (2) working days before commencement of work, after initial work begins, and after work is completed.
[Ord. 1595]
 - (b) Whenever a fence permit for erection, repair, or replacement is requested for a

property within a subdivision, the trustees of that subdivision must be notified of the project, and proof of the notification must be presented to the Building Commissioner before any permit is granted. {amended by Ord. 2070}

- (9) Temporary construction fences shall be exempt from other requirements of this Subsection C and shall be regulated as follows:
 - (a) Temporary construction fences shall be allowed during construction with an approved building permit and shall be removed prior to final construction approval.
 - (b) Temporary construction fences shall be required for commercial/industrial properties and any buildings being erected ten (10) feet or less from the property line, unless such requirement is waived by the Ladue Building Commissioner.
 - (c) Temporary construction fences for residential properties may be constructed of plastic mesh fences (dark color). Temporary stockade fencing may be used for a residential project where the lot size is 15,000 square feet or less.
 - (d) Temporary construction fences for commercial properties may consist of plastic mesh fences (dark color) or a chain link fence with a mesh wind screen (dark color). Temporary stockade fences may also be used for commercial properties.
 - (e) Location and material information regarding the temporary construction fence must be submitted to the Building Commissioner and must receive permit approval before such fence is erected.
- (10) Fences legally installed prior to adoption of this ordinance that are not in conformity with this section may remain as legally nonconforming structures. However, such legally nonconforming fences shall be in good repair and shall not be structurally unsound. An existing legally nonconforming fence may be maintained and repaired; however, no such repair shall create an additional nonconformity or increase the degree of nonconformity. No repair or replacement of a fence that exceeds 75% of the cost of a new fence shall be made unless such restoration or construction shall thereafter conform to the regulations in this ordinance.
- (11) The Zoning Board of Adjustment may permit the variation of the fence requirements in any district where there are practical difficulties or unusual hardships in the carrying out of these provisions due to an irregular shape of the lot, topography, multiple road frontages, or other conditions. Fences that require a variance shall be reviewed by the Architectural Review Board, unless this requirement is waived by the City Planner upon good cause shown.

[Subsection C regarding fences repealed and replaced by Ordinance 2238]

D. Nonconforming Uses

- (1) The lawful use of land existing on November 21, 1938, although such use does not conform to the provisions hereof, may be continued; but if such nonconforming use is discontinued, any use thereafter of the land shall conform with the provisions of the ordinance. *[Ord. 1595]*
- (2) The lawful use of a building existing on November 21, 1938, may be continued, although such use does not conform to the provisions hereof. Such use may be extended

throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use within the same or more restrictive zoning classification as the existing use, but such change cannot be made to a use for which a Special Use Permit would otherwise be required. If such nonconforming use is discontinued, any use thereafter of the building shall conform with the provisions of this ordinance. *[Ord. 1595]*

- (3) The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed.
- (4) Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than 75 percent of its reasonable value by fire, explosion or other casualty or act of God or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.
- (5) No land or building or portion thereof used in whole or in part for a nonconforming use which remain idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located.
- (6) The lawful non-conforming status of a lot, parcel, building or structure, whether relating to use or site nonconformity, shall terminate upon the filing of a new plat for the division, subdivision or combination of such property, and the new plat and use of the land, building or structure must conform to the requirements of the ordinances then in effect. *[Ord. 1595]*
- (7) Notwithstanding the provisions of paragraph D. (4) of this Section, a residential building, in use as a single-family residence within a residence zoning district, located on a legal nonconforming lot, may continue to be used as a single-family residence and may be enlarged provided the enlargement conforms to all set back, height and other regulations of this ordinance. If such residential building is partially or totally destroyed by fire, explosion, tornado, earthquake or other casualty or act of God, it may be restored to its original condition or replaced, and if replaced, such replacement building shall occupy and not exceed the original building's footprint. *[Ord. 1620]*
- (8) Repairs, maintenance, improvements, conversion and structural alterations of nonconforming buildings housing conforming uses may be carried out, provided that such work does not increase the cubic content of the building, increase the height of the building, in anyway increase the degree of nonconformity, or create any new nonconformity. Moreover, additions may be made to nonconforming buildings housing conforming uses if the addition complies with all yard setback requirements and all other requirements of this ordinance. *[Ord. 1802]*

E. Earth Berm Regulations *[Ord. 1595]*

- (1) Construction of an earth berm in any district requires a permit issued by the city. The permit application shall be signed by the owner and accompanied by a site plan indicating the exact location of the berm, the width, height and length of the berm, existing land contours and proposed contours.
- (2) The height of the berm shall not exceed four (4) feet in a required front yard and six

- (6) feet in other required yards, and the slope of the berm shall not exceed one foot of vertical rise per three feet of horizontal distance (a maximum slope of 3:1).
- (3) Construction of the berm shall comply with applicable portions of the zoning ordinance dealing with storm water runoff and, if located in a floodplain, shall comply with the provisions contained in Ordinance No. 1468.
 - (4) The berm shall be landscaped; its landscaping shall be maintained by the property owner and shall comply with the provisions of paragraphs (a) through (d) below.
 - (a) Grass or ground cover shall be installed on the berm. Proper siltation control shall be effected until such grass or ground cover is established.
 - (b) Trees or shrubs shall be planted on the berm. At least one-half of the plant material shall be evergreen trees or shrubs with the remaining plant material being deciduous. Evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall be not less than two inches in diameter measured one foot above the ground when planted.
 - (c) All plant material shall be maintained by mowing, trimming and removal of trash and debris on a regular basis. Dead plant material shall be removed and replaced annually.
 - (d) The construction, maintenance and landscaping of a berm shall not unreasonably interfere with traffic sight lines on an adjacent street or private road.

F. Retaining Wall and Waterway Stabilization Wall Regulations {Sec F added Ord. 1752}

- (1) Use of retaining walls shall comply with the requirements of this Subsection F.
- (2) Retaining walls in front yards may be erected to heights up to 36 inches provided they are setback at least six feet from any property line. (Ord. 1780)
- (3) Retaining walls in required side and rear yards may be erected to heights up to 36 inches provided they are setback at least one-half the distance required for the principal building. Retaining walls located in side and rear yards and meeting or exceeding the setback required for the principal building may be erected to heights up to six feet.
- (4) If two or more retaining walls are constructed in any yard, they must be separated by a minimum distance of 20 feet of horizontal space.
- (5) In side and rear yards, no retaining wall shall have more than six feet of the height of its face exposed, and no retaining wall in such yards with a fence placed upon it shall have more than eight feet of the combined height of the faces of the retaining wall and fence exposed. The portion of such combined retaining wall and fence that exceeds six feet in height shall have at least 40 percent of the area open as viewed on any line perpendicular to the vertical plane of the fence and such open spaces must be reasonably dispersed throughout the entire area of the fence.
- (6) Waterway stabilization walls may encroach into any required yard when necessary to brace the banks of a waterway provided that they do not extend more than 12 inches

above grade.

- (7) If a fence is required on a retaining wall to meet the minimum requirements of the city's building code and would not otherwise be allowed by the provisions of this Subsection F., such fence shall be permitted provided that at least 75 percent of the area of the fence is open as viewed on any line perpendicular to the vertical plane of the fence and such open spaces are reasonably dispersed throughout the entire area of the fence. Such a fence shall also be limited to four feet in height unless a higher height is required by the city's building code.
- (8) Retaining walls erected prior to February 12, 2001, which do not conform to the provisions of this ordinance shall be considered legal nonconforming structures. Any such retaining wall may be maintained, repaired, structurally altered or reconstructed, however, no such repair, structural alteration or reconstruction shall create an additional nonconformity or increase the degree of nonconformity. (section 8 added by Ord. 1780)

G. Entry Monuments. Driveway entry monuments and subdivision entry monuments shall be approved by the Architectural Board based on the following criteria.

- (1) Driveway entry monuments may be erected adjacent to one or both sides of a driveway on any lot within a residential zoning district provided that such entry monument meets all of the following criteria:
 - (a) Driveway entry monuments shall be located no closer than six inches to any street right-of-way line or private road right-of-way line.
 - (b) Driveway entry monuments may be or may include columns not exceeding six feet in height, as measured from the topmost point thereof to the ground adjacent to the column provided that the column is not more than thirty-six (36) inches in width nor more than thirty-six (36) inches in depth (thirty-six inches square in plan view).
 - (c) The non-column portions of driveway entry monuments shall generally not exceed thirty-six (36) inches in height, as measured from the topmost point thereof to the ground adjacent to the entry monument except for portions sloping up to a column.
- (2) Subdivision entry monuments may be erected adjacent to one or both sides of each street entrance to a subdivision within a residential zoning district provided that such subdivision entry monument meets all of the following criteria:
 - (a) Subdivision entry monuments may be located within a required front yard with the owner's permission, an easement established for the monument, or within a private road right-of-way if such private road is owned by the subdivision. Subdivision entry monuments shall be located no closer than six inches to any street right-of-way line
 - (b) Subdivision entry monuments may be or may include columns not exceeding ten feet in height, as measured from the topmost point thereof to the ground adjacent to the column provided that the column is not more than thirty-six (36)

inches in width nor more than thirty-six (36) inches in depth (thirty-six inches square in plan view).

- (c) The non-column portions of subdivision entry monuments shall generally not exceed thirty-six (36) inches in height, as measured from the topmost point thereof to the ground adjacent to the entry monument except for portions sloping up to a column.

{Section G was added by Ord. 1785}

H. Gates

- 1) Gates shall not be allowed as part of a driveway entry monument nor shall they be allowed to be erected or designed to be erected, across, over, or adjacent to any driveway within a front yard or required front yard, whichever is most restrictive, except when the residential building site is not less than three (3) acres and is directly accessed from Clayton Road, Litzsinger Road, South Warson Road, Old Warson Road, Ladue Road, South Price Road, N. Woodlawn Avenue, or South McKnight Road.
- 2) Gates for subdivision roads may only be constructed across a private road if a Special Use Permit is granted according to the requirements in Section VII.F.7.
- 3) If gates meet the criteria in Subsection H.1. or are granted a Special Use Permit, gates may be constructed but shall comply with the following:
 - (a) No portion of gate shall exceed six (6) feet in height;
 - (b) Gate must be set back at least 50 from the right of way of the nearest public street;
 - (c) Between the gate and the public street, a parking pad with a stable surface shall be provided to allow a vehicle to safely turn around and exit the area. This requirement may also be satisfied if the street or driveway is at least 26 feet in width and would allow a vehicle to turn around between the gate and the public road;
 - (d) Gate shall be at least 40 percent open as viewed on any line perpendicular to the vertical plane of the gate. Such open spaces must be reasonably dispersed throughout the entire area of the gate;
 - (e) Gate shall open inward towards the residence, or private street, and away from the public or primary street;
 - (f) Gate is illuminated at night so that vehicle drivers can see the gate from either side;
 - (g) Emergency services shall not be unreasonably impeded due to the location of the gate;
 - (h) Gate must be pre-approved by the Ladue Fire Department and must meet all requirements in the City of Ladue Building and Fire Codes;
 - (i) Architectural Review Board approval and a Building Permit from the Ladue Building Department shall be obtained;

- (j) All components of the gate shall be required to be maintained and kept in proper working order at all times;
- (k) The party or parties requesting the gate shall sign an agreement to indemnify and hold harmless the City from any and all costs and expenses associated with defending any claims associated in any way with the approval of such request and the installation and maintenance of the gate. The City may require proof of insurance or other evidence of ability to provide indemnification;
- (l) If a gate provides the primary means of emergency access to one or more residences, gate must be equipped with an electric gate access system as approved by the Ladue Fire Department.
- (m) Gate must have manual back-up systems or alternative energy back-up systems, such as a generator or battery, which would allow operation of the gate(s) during an electrical power outage; and
- (n) An agreement with the City regarding the provision of public services must be signed prior to Building Department approval for the proposed gate.

{Subsection H was added by Ord. 2293}

I. Lighting

- (1) The following types of lighting are prohibited:
 - (a) Lighting that directs light onto neighboring properties.
 - (b) Lighting of any property, including commercial, that exceeds 0.1 footcandle, measured horizontally at grade, at a property line adjacent to a residential use; however, this requirement shall not apply to light at a property line adjacent to a roadway as long as such light meets all other requirements of this Subsection H.
 - (c) Blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color.
 - (d) Beacon lights.
 - (e) Lights that create a hazard to operators of motor vehicles on roadways from either direct or reflected light.
- (2) The following types of lighting are exempt from regulation in this Section:
 - (a) Holiday lights displayed during the holiday season.
 - (b) Temporary emergency lighting used by utility, public works, and emergency service providers.
- (3) Lighting for residential uses shall comply with the following:

- (a) Subdivision street lights may be erected to illuminate private streets for traffic and pedestrian safety. Subdivision lights should be fully shielded and shall not exceed 16 feet in height. Subdivision street lights shall be located in or near the road right-of-way and shall be the responsibility of the subdivision trustees.
 - (b) Freestanding lighting fixtures on residential properties should be no taller than 12 feet in height as measured from the natural grade at the location of the pole.
 - (c) Sport court lighting is prohibited on residential properties.
 - (d) All permanent lighting fixtures shall be served with underground cable.
- (4) Lighting for nonresidential uses shall comply with the following:
- (a) Lighting on structures or in parking areas should be fully shielded. Freestanding light fixtures shall not exceed 16 feet unless additional height is approved during a Special Use Permit or Site Plan Approval process.
 - (b) Parking areas to be used during darkness shall be illuminated to an average of 1 foot-candle with the maximum illuminance level not to exceed 4 foot-candles. The ratio of maximum to minimum illuminance shall not exceed 10 to 1.
 - (c) Canopy lighting at service stations shall be fully recessed underneath the canopy structure.
 - (d) Educational or institutional uses and private clubs with a Special Use Permit may install sport court lights. Sport court lights shall be shielded and shall not exceed 16' in height.
 - (e) All permanent lighting fixtures shall be served with underground cable.
 - (f) Signage may be illuminated according to Section 130-8 of the Ladue Code of Ordinances.
- (5) A permit from the Building Department will be required for all freestanding light posts that exceed 12 feet in height.

(Ord. 2216)

J. Solar installations

Solar installations shall be allowed in the City of Ladue subject to Building Permit approval as well as approval by the Ladue Architectural Review Board based on consistency with the Ladue Architectural Guidelines. Installations that face any road right-of-way shall be required to obtain a Special Use Permit in addition to Architectural Review Board approval. *(Ord. 2346)*

K. Generators

- (1) All generators shall be set back from all property lines according to the main structure yard requirements in Section V.B.(1).

- (2) No generator shall be allowed in a primary front yard. A generator may be allowed in a non-primary front yard if it meets front yard setbacks and is fully screened by a fence or wall that complies with the fence regulations in Section IV.C of this Zoning Ordinance.
- (3) Generator height shall be no more than 6 feet above the adjacent grade. Generators may be lowered into the ground, if needed, to meet the maximum height requirement.
- (4) All generators shall be screened such that they are not visible from roadways or adjacent properties.
- (5) Generator exhaust shall be vented away from neighboring properties whenever feasible.
- (6) To limit noise disturbances, testing of generators shall take place only during permissible construction hours, as stated in Section 58-2 of the Ladue Code of Ordinances.
- (7) Generators shall be operated only during power outages and when necessary for testing or maintenance.
- (8) Generators that are owned by the City, utility company, or other public entity may be placed and operated as needed for public purposes and are exempt from these requirements.

[Ord. 2340]

L. Outdoor Display of Merchandise

Purpose:

The purpose of this subsection is to provide reasonable limits on the outdoor display of merchandise in conjunction with a legally operating business. The outdoor display of merchandise is permitted in commercial areas in order to assist the activities of the business but will be limited so as to not create a public health or safety hazard or a public nuisance.

Standards:

1. Outdoor display of merchandise shall only be permitted in conjunction with an existing permitted use in the G Commercial zoning district and limited to the premises of the business. Business must have an approved Occupancy Permit from the City of Ladue and an established business license in good standing with the City.
2. Display items shall be limited to merchandise sold by the business or decorative items which relate to or complement the business.
3. Outdoor merchandise displays shall be maintained in an orderly and attractive manner at all times.
4. Vendors may place one (1) individual sign on each merchandise display fixture with such signs not to exceed one (1) square foot per sign. The placement of larger temporary signage or banners may be allowed with a sign permit acquired according to Section XI

of the Zoning Ordinance.

5. Outdoor merchandise displays shall not create excessive visual clutter nor shall they be used to distract motorists. The full list of prohibited signage/decorations is listed in Section 130-7 of the Ladue Code of Ordinances.
6. No sound or music amplification device shall be operated in conjunction with outdoor merchandise displays.
7. No additional outdoor lighting shall be allowed in conjunction with outdoor merchandise displays.
8. Outdoor merchandise displays shall not take place within an area required for vehicular circulation, loading areas, emergency vehicle access, or public rights-of-way.
9. Under no circumstance shall an outdoor merchandise display impede the required visibility for pedestrian or vehicular traffic.
10. Unobstructed access shall be provided to all building entrances including at least a 2-foot linear clearance on each side of the building entrance.
11. An unobstructed path at least three (3) feet wide shall be maintained through the display area at all times.
12. Furniture, fixtures, and other equipment shall not be permanently anchored to the sidewalk nor shall they be attached or affixed to any tree, post, sign, or other structure. All outdoor display fixtures shall be taken indoors at close of business.
13. Outdoor display fixtures shall not exceed five (5) feet in height.
14. Outdoor displays shall not be located in any parking spaces.
15. All sales transactions shall take place within the store.
16. Any outdoor merchandise display not meeting these standards shall be in violation of the Ladue Zoning Ordinance and must be removed.

(Ord. 2159)

M. Reserved

SECTION V. HEIGHT, AREA AND YARD REGULATIONS**A. Maximum Height Limits**

Maximum number of stories and height limits for buildings and structures are as follows:

- (1) Two and one-half stories shall be the maximum number of stories allowed in the A, B, C, D, E, G and H zoning districts. A maximum height allowance of 45' is possible, but the ultimate determination of height will be based on other project elements as defined in the City of Ladue, Missouri Architectural Design Guidelines. [*Ord. 1637, Ord. 1895, Ord. 1939, Ord. 2163*].
- (2) In the E-1 Zoning District, the maximum allowed height shall be 28 feet. Second-story additions may be allowed in the E-1 district as long as they do not exceed the maximum height limit, are consistent with the style and mass for the house, and do not exceed 2/3 of the area of the first floor. [*Ord. 2163*]
- (3) Certain architectural features on buildings, to wit parapet walls of not more than three feet in height, chimneys, ornamental architectural towers not used for occupancy, cupolas, domes, spires, and similar architectural features may be erected to reasonable heights exceeding the existing limitations on height of buildings specified in this Zoning Ordinance, as may be determined by the Architectural Board, but in no event shall any such features be permitted to exceed 45 feet in height or 10 feet above the roof or ridge line of the roof of a residential building, whichever height is lower. [*Ord. 1637*]
- (4) The level of a building pad of a lot shall not be raised above the existing level of such lot by adding fill thereto for the purpose of artificially elevating the building to be erected thereon. [*Ord. 1649*]
- (5) With respect to schools and churches allowed by Special Use Permits according to Sections III and VII of this Ordinance, the height limitations shall be two and one half stories and a total height not to exceed forty (40) feet, provided however that subject to the guidelines set out in Section VII the forty (40) foot height limitations may be increased by one (1) foot for each fifty (50) feet a church or school building is located away from all of its required set back lines, but the total of any allowed increase shall not exceed four (4) feet. [*Ord. 1680*]
- (6) Communication towers, communication antennae, and stealth communication towers as each is defined in Section XV., may exceed the height limitation specified in paragraph A. (1) of this Section based on the criteria contained in Section VII, Subsection F.
- (7) The level of a front yard shall not be raised above the existing grade of such lot by adding fill thereto to elevate a fence, wall or the base of a berm to erected thereon. [*Ord. 1752*]
- (8) For purposes of measuring building height and maximum number of stories, a level of a building constitutes a story if more than forty percent (40%) of any plane of the elevation of any level is exposed. [*Ord. 1815*]

B. Minimum Yard, Lot Area, Frontage and Lot Width Requirements [Ords. 1595, 1620, 1895, 2178, 2215]

(1) Required Yards (Setback) for Main Buildings, Required Minimum Lot Area, Required Minimum Frontage and Required Minimum Lot Widths in All Districts

District	Depth of Required Front Yard	Width of Required Side Yard	Depth of Required Rear Yard	Required Minimum Lot Area	Required Minimum Frontage	Required Minimum Lot Width
A	75 Ft.	50 Ft.	50 Ft.	3.0 Acre	150 Ft.	200 Ft.
B	50 Ft.	50 Ft.	50 Ft.	1.8 Acre	135 Ft.	180 Ft.
C	50 Ft.	(1)	30 Ft.	30,000 S.F.	90 Ft.	120 Ft.
D	40 Ft.	(2)	30 Ft.	15,000 S.F.	55 Ft.	75 Ft.
E	40 Ft.	10 Ft.	30 Ft.	10,000 S.F.	50 Ft.	70 Ft.
E-1	25 Ft.	10 Ft.	30 Ft.	10,000 S.F.	50 Ft.	70 Ft.
F	NA	NA	NA	NA	NA	NA
G1	20 Ft. or 60 Ft.	5 Ft. or none	30 Ft.	NA	50 Ft.	50 Ft.
G2	50 Ft.	5 Ft.	30 Ft.	NA	75 Ft.	100 Ft.
H	40 Ft.	20 Ft.	30 Ft.	1.0 Acre	150 Ft.	

(1) 10 feet or 10 percent of lot width at the required front yard setback line, whichever is greater, need not exceed 20 feet.

(2) 10 feet or 10 percent of lot width at the required front yard setback line, whichever is greater, need not exceed 15 feet

(2) Required Yards (Setback) for Accessory Buildings and Structures in Residential Zoned Districts

District	Depth of Required Front Yard	Width of Required Side Yard	Depth of Required Rear Yard	<u>Maximum Building Height</u>
A	75 Ft.	50 Ft.	50 Ft.	45
B	50 Ft.	50 Ft.	50 Ft.	45
C	50 Ft.	(1)	10 Ft.	45
D	40 Ft.	No accessory building or structure shall be located within 5 feet of any side or rear lot line except a structure permitted by Section V-C(1)(b).		20 or 45 (2)
E	40 Ft.			20 or 45 (2)
E-1	25 Ft.			20 or 28 (2)

(1) 10 feet or 10% of lot width at the required front yard setback line, whichever is greater; need not exceed 20 feet.

(2) If accessory structure meets all minimum setbacks for a main building in the table in subsection V.B.(1), accessory structure may be built to the maximum allowed height in the zoning district. If accessory structure meets only the accessory setbacks, structure shall be limited to 20 feet in height.

(3) Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot.

As a supplement to the foregoing schedules of this Subsection B and to facilitate a better understanding thereof, and of yards, required yards and yard setback lines in general, a diagram entitled "Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot" is annexed to this Ordinance and hereby made a part hereof with the same force and effect as though fully set forth herein. Should there be any conflict between the text of this Ordinance and the information displayed in the Diagram, the text of the Ordinance shall prevail.

C. Yard and Setback Requirements

(1) All yards must comply with the following, except as otherwise allowed by this Section V:

- (a) Every part of a required yard shall be open from grade level to the sky unobstructed, except for the ordinary projection of sills, belt course, cornices, buttresses, ornamental features, and eaves; provided, however, that none of the above projections shall extend into a minimum side yard more than 24 inches, and excepting those items specifically mentioned in this Section.
- (b) No main building, accessory building or structure shall be located in any part of a front yard, or in a required side or required rear yard of any lot in any residential district, except for permitted fences, permitted entry monuments, permitted retaining walls and waterway stabilization walls, driveways and sidewalks and except for parking spaces which are in addition to the number of parking spaces required for the building or use served on such lot as established in Section VI, and excepting any portions of structures specifically mentioned in this Section.
- (c) Open fireproof outside stairways and balconies projecting into a yard not more than three and one-half feet, and the ordinary projections of chimneys and flues may be permitted by the Building Commissioner where same are so placed as not to obstruct the light and ventilation.
- (d) In the C, D, and E zoning districts, a single, open, roofed front porch may encroach up to 8 feet into the front yard. In the E1 zoning district, a single, open, roofed front porch may encroach up to 6 feet into the front yard. Porches allowed under this provision shall be no higher than the ground floor of the building and shall not be enclosed by any materials, including a mesh screen. Stairs shall be allowed to project an additional 3.5 feet into the front yard per Subsection (1)(c) of this Section. *[Ord. 2315]*
- (e) Exterior mechanical equipment associated with residential structures and uses, such as air conditioners and pool equipment, shall comply with the following requirements:
 - i. All equipment shall comply with setback requirements for the structure to which it is appurtenant, except that mechanical equipment may encroach up to 36 inches into the main structure side setback in the D, E, and E1 zoning districts, provided said equipment is screened.
 - ii. Equipment associated with accessory structures shall be required to comply with all required accessory structure setbacks.
 - iii. Mechanical equipment shall be screened such that it is not visible from

- iv. No mechanical equipment shall be located in any part of a primary front yard. In the case of a property with multiple road frontages, mechanical equipment may be located in a non-primary front yard if it can meet the following requirements:
 - 1. Equipment is not located in any part of the primary front yard.
 - 2. Equipment shall fully meet all setback requirements, including the front setback for the structure to which it is appurtenant.
 - 3. Equipment is fully screened by evergreen landscaping or approved fencing in compliance with Section IV.C.
- v. These requirements do not pertain to generators, which are regulated according to Section IV.J. of this Zoning Ordinance. *[Ord. 2325 language replaced by Ord. 2340]*
- (f) More than one industrial, commercial or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, and each building shall be separated from each other building on the lot by 24 feet or more; provided, however, that in cases of hardship, as defined in the Zoning Ordinance of the City of Ladue, the Zoning Board of Adjustment shall have authority to grant relief.
- (g) Terraces, patios or decks which are higher than the natural grade of the lot may not extend into a required side or rear yard except in the D, E and E-1 districts, where they may extend a distance of five (5) feet. *[Ord. 1649, Ord. 1895]*
- (h) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered except as allowed by Section IV-D-(7). *[Ord. 1637]*
- (i) Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.
- (j) The required front, rear and side yards for any building or structure of schools, libraries, churches, community buildings, and other public and semi-public use shall be not less than the setback required in the District in which the building, structure or use is located, and in no event shall such setback be less than twenty-five (25) feet in the C, D, E and E-1 Districts. A greater distance for a side or rear yard setback may be required for a use which is subject to the Special Use Regulations if the increased setback is deemed necessary by the Zoning and Planning Commission and by the City Council for the reasonable protection of the privacy and value of adjacent residential property. *[Ord. 1595, Ord. 1895]*
- (k) If a portion of a lot is within more than one "yard" or "required yard" as defined in the Ordinance, the more restrictive regulation or setback distance shall apply to such portion of the lot. *[Ord. 1637]*
- (l) In the E-1 District, if deemed necessary by the Building Official for rear or side garage

access, in lieu of a front yard garage, a driveway not to exceed ten (10) feet in width may be placed in one (1) side yard. In such a situation, the 25% maximum side yard coverage limit may be waived for one side yard. Additional paving or construction may take place in the rear yard up to the 30% maximum rear yard coverage limit. A separate rear or side yard garage shall not be allowed on a property in addition to a front access garage. [Ord. 2148]

- (m) For lots in the G District, a side yard shall be required on lots that abut a residential district and shall be the same as the adjacent residential district. [Ord. 1595]
- (2) The following shall apply to front yards in all zoning districts, except as otherwise allowed in this Section V:
- (a) All yards abutting a road right-of-way shall be front yards except front yards are not required if they are adjacent to the following types of road rights-of-way and shall be considered side or rear yards based on the provisions of this Section V.
 - i. Yards abutting a limited access highway such as I-170, I-64 (U.S 40), or Lindbergh Boulevard (U.S.-67) shall not be considered front yards.
 - ii. Yards abutting an unimproved private road right-of-way shall not be considered front yards, except that if such unimproved road right-of-way was created to provide the primary access to an undeveloped legal lot, a front setback shall be required along the length of that right-of-way. Also, if an unimproved private road right-of-way (as defined) provides access to an existing platted and improved road ROW, a front setback shall be required. (*Ord. 2363*)
 - (b) Required front yards shall be devoted entirely to landscaped area, except as allowed under Section V-C-(1)-(b).
 - (c) The total area of parking spaces, sidewalks and driveways in any residential district shall not exceed thirty (30) percent of the entire front yard and the portion of such area lying within the required front yard shall not exceed thirty (30) percent of the required front yard, with the remaining parts of the required front yard devoted entirely to landscaped area. [Ord. 1595, 1637, 1661, 1752, 1785]
 - (d) Where, on the effective date of this ordinance, 40 percent or more of a frontage on the same road right-of-way or land within 500 feet of a lot was occupied by two or more buildings, then the required front yard shall be not less than the average of the nearest building on each side; however, no such front yard shall be required to exceed the basic front yard requirement of the district by more than 50 percent and no front yard shall be less than the required yard. Any lot less than 10,000 square feet in size shall be exempted from this requirement, and the regular required front setback for the zoning district shall apply.
 - (e) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
 - (f) No part of any building or any structure constructed above ground level hereafter

erected or structurally altered shall be located within 110 feet of the center line of Lindbergh Boulevard, except for permitted signs. [Ord. 1637]

(g) The following additional front setback requirements shall apply in the E-1 District only [Ord. 2262]:

- i. Front facing garages must be set back at least 5 feet behind the front door of the house. Except, if a house contains a front porch with a width of at least 15 feet and a depth of at least 6 feet, this requirement may be waived by the City Planner. In no case may the garage be in front of the front door of the house.
- ii. Any portion of the home that exceeds 24 feet above grade shall be set back at least 35 feet from the front property line.

(3) The following shall apply to yards on corner and through lots:

(a) A front yard shall be provided for those yards abutting a road right-of-way, except as described in Section C.(1).

(b) The buildable width for a main structure cannot be reduced to less than 28 feet, except that there shall be a yard along the non-primary front lot line of such lot of at least five feet.

(c) The following shall apply to yard orientation and accessory structures on corner lots in residential zoning districts [Ord. 2215]:

- i. On corner lots with two front yards, the primary front yard shall be the yard between the front door or main entrance of the main building and the front lot line. If the main entrance does not face the road right-of-way, the primary front yard shall be the yard that borders on the road on which the property is addressed.
- ii. The rear yard shall be the yard opposite the primary front yard.
- iii. An accessory structure may not be built in either front yard on a corner lot, except that on a lot that has frontage on three or more sides, the yard on the opposite side of the front door may be considered a secondary front yard and may have an accessory structure in the secondary front yard in compliance with this subsection.

(d) The following shall apply to yard orientation and accessory structures on through lots in residential zoning districts [Ord. 2215]:

- i. The minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.
- ii. Accessory structures may be built in a secondary front yard, but shall comply with the following minimum front setbacks:

District	Minimum setback for accessory structure in a secondary front yard
A	50
B	50
C	20
D	15
E	15
E1	15

- iii. Side setbacks for accessory structures shall comply with subsection V.B.(2).
- iv. Accessory structures in secondary front yards shall have a maximum height of 20 feet, unless structure meets the yard requirements for a main structure for that zoning district, as listed in Section V.B.(1).
- v. If an accessory structure is built in a secondary front yard, a sight proof screen shall be required between the accessory structure and the right-of-way abutting the property.
 - a. Fences constructed to comply with this subsection shall comply with the fence regulations in Section IV.C of this Zoning Ordinance #1175, except that if a fence is to be constructed to provide the required barrier for pool security, such fence may be built with a maximum height of 48” but must be located at least 10 feet from the road right-of-way.
 - b. Landscaping shall be required to provide screening or as otherwise required by Subsection IV.C. Plantings shall comply with Chapter 102 of the Ladue Code of Ordinances, as applicable.
 - c. Prior to the granting of a permit for an accessory structure in a secondary front yard, applicant shall submit evidence of existing screening or plans for the installation of new screening. If a fence is to be installed, a fence permit shall be required in compliance with this Zoning Ordinance and all other applicable City of Ladue Ordinances.
 - d. Applicant shall be required to sign a statement that they understand that screening of the desired accessory structure is required and must be maintained for the life of the accessory structure.

(4) The following shall apply to flag lots and other lots with irregular shapes [Ord. 2215]:

- (a) For flag lots created prior to the effective date of this ordinance, the required front yard shall be measured from the closest parallel or nearly parallel lot line to the road right-of-way from which it is accessed. The required rear yard shall be measured from the furthest parallel or nearly parallel lot line to the road right-of-way. Side yards shall be measured from lot lines which are perpendicular or approximately perpendicular to the road right-of-way. This shall apply in any case in which a property has an appendage that does not have an adequate width for a building. *[Ord. 1637, 2363]*
- (b) Properties with irregular shapes, for which the definitions in Section XIV do not easily apply, shall be reviewed by the City Planner to determine appropriate yard assignments, according to the following criteria.

- i. Whenever practical, among lots that share a property line, side yards will be adjacent to other side yards and rear yards will be adjacent to rear yards, especially when adjacent properties lie on the same road or within the same subdivision. (This may be modified when it is clearly contrary to how the house has been oriented.)
- ii. A lot with more than 4 sides may be considered to have more than 1 rear yard.
- iii. When the side lines of a lot converge so as to form a rear lot line of less than ten (10) feet in width or a point in the rear, the rear lot line is that line parallel to the front lot line and measuring ten (10) feet in length between the two (2) side lot lines. The required rear yard is measured from such ten (10) foot line.

D. Exceptions to Lot Area

- (1) Where a nonconforming lot has less area than herein required in the district in which it is located, and was of record on November 21, 1938, or was of record when the area was subsequently annexed to the City of Ladue, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.
- (2) Existing buildings that are in violation of lot area requirements may be remodeled or repaired, and may be enlarged or structurally altered but only if such enlargement or alteration is not in violation of the yard requirements.

E. Prohibition of Flag Lots. [Ord. 1637]

No new flag lots shall be created within the city after the effective date of this ordinance.

F. Buildable Area [Ord. 1895, Ord 1910]

- (1) In the E1 District, in order to preserve its special character, the main building shall be limited to floor area ratios (FARs) shown in the following table:

Floor Area Ratios for Determining Maximum Residential Building Size In the E-1 District

Lot Size (square feet)	Floor Area Ratio	Max Allowable Floor Area
< 7200	0.42	3,024
7,201 - 8,000	0.42	3,360
8,001 - 9,000	0.42	3,780
> 9,000	0.42	3,780 *

* = MAY EXCEED WITH AN APPROVED SUP

- (2) The floor area shall include all areas under roof, as defined in Section XV, except that a house with a front porch with dimensions of at least 15 feet by 6 feet may

subtract up to 100 square feet of the area of the front porch from the total floor area for the purposes of calculating the FAR. This shall have no effect on the green space required for this zoning district. [Ord. 2262]

G. Lot coverage restrictions

(1) Green Space requirements are shown in the following table:

District	Minimum green space required on each lot	Maximum extent of accessory structures and pavement per yard (Section IV. A (4), Section V. C)
A	80%	30% of front yard and rear yard, 25% of side yards
B	75%	30% of front yard and rear yard, 25% of side yards
C	65%	30% of front yard and rear yard, 30% of the combined total of both side yards
D	55%	30% of front yard and rear yard, 30% of the combined total of both side yards
E	40%	30% of front yard and rear yard, 30% of the combined total of both side yards
E-1	40%	30% of front yard and rear yard, 25% of side yard. (Coverage limits in one side yard may be waived in accordance with Section V.C.(1)(m))
G – Commercial	30% with a Site Development Plan (Section VIII E(b))	

(Table amended by Ord. 2339)

(2) Green space shall include undisturbed natural areas, rain gardens, landscaped grass and gardens. Provided green space shall not include buildings, driveways, decks and patios, pools, sidewalks and paths (except stepping stone paths), or other permeable or impermeable pavement (sports courts, etc.), except as described in part (3) of this section.

(3) Partial Credits.

(a) Certain types of permeable pavement may be allowed to receive a partial credit for required green space. Further details can be found in the Ladue Stormwater Toolbox information page. Any types of pavement not mentioned in this subsection will not receive credit for green space. The following types of surfaces will receive credits, as indicated:

- (1) Grass pavers may qualify for a 50% green space credit
- (2) Gravel pavers may qualify for a 25% green space credit
- (3) Porous/ permeable pavers may qualify for a 25% green space credit

This following table provides an example of how this credit would work.

Type of pavement	Proposed area (in square feet)	Percentage of area to be credited	Area to be considered green space
Grass pavers	500	50%	250
Gravel pavers	500	25%	125
Porous/permeable pavers	500	25%	125

- (b) Once green space credit is granted, maintenance of these permeable surfaces is required to ensure the effective infiltration of water. Failure to maintain a green space-approved permeable surface, resulting in a substantial decrease of the infiltration of water is a violation of this ordinance. Each day the violation continues shall be a separate offense. Maintenance reports will be required periodically by the City. Contents of the report will be established by the Building Commissioner. [Ord. 2148]

SECTION VI. ACCESS, OFF-STREET PARKING, AND LOADING REQUIREMENTS**A. Off-Street Parking Requirements**

1. The following table shows the general parking standards for the City of Ladue:

Use	Required parking per square foot (sf)
Grocery stores (5,000 sf or more)	4.5 spaces per 1000 sf
Convenience stores and small food markets (less than 5,000 sf)	3.3 spaces per 1000 sf
General retail	4 spaces per 1000 sf
Retail store (furnishings, art)	2.5 spaces per 1000 sf
Service Station	1 space for every employee on maximum shift + 3.3 spaces per 1,000 sf of convenience store area
Restaurant/ Bar (1,500 sf or more)	1 space for every 3 seats plus 2 spaces for every 3 employees on the maximum shift OR 12 spaces per 1000 sf
Restaurant (less than 1,500 sf)	6 per 1000 sf
Fitness facilities	5 spaces/ 1000 sf
Beauty salon/ barber/ spa services	5 spaces per 1000 sf
Tailor/ Dry cleaning	2.5 spaces per 1000 sf
Auto sales/ leasing	3 spaces per 1000 sf of sales/ showroom space and 1 space for every vehicle used in operation of the use. This shall not include space provided for vehicles for sale or lease.
Mixed Use Commercial Retail/Service Center (at least 10,000 sf)	Facility 10,000 to 100,000 – 4 per 1000 sf Over 100,000 sf – 2.85 per 1000 sf
Medical and dental clinics and offices	4.5 per 1000 sf
Financial institutions	3.6 spaces per 1000 sf of gross floor area
Professional office bldgs.	3 per 1000 sf
Banquet facility/Event space	3.3 spaces per 1000 sf
Private club	1 space for every 4 seats or 1 space for every 3 members
Warehouse	2 spaces for every 3 employees on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use

Manufacturing	2 spaces for every 3 employees on the maximum shift plus 1 space for every vehicle customarily used in operation of the use
Nursery School/ Day Care	2.66 spaces per 1000 sf (or 1 space for every 10 children enrolled plus 1 per employee)
School	1 space for every classroom and office and 1 space for every 4 students over 16 years of age
Community Center/ Recreational facility (gym, tennis, pool, etc.)	3.3 per 1000 sf
Library	2 spaces per 1000 sf
Church	1 space for every 4 seats (1 seat equals 2' of bench length) plus 1 space for every vehicle customarily used in operation of the use

2. The above table shall be used to determine number of parking spaces and shall be enforced as follows:
 - a. Square footage means the gross square footage of floor area of the building or section of building of the specific use.
 - b. If proposed parking spaces are within 10% of the standard in the above table, proposed parking spaces shall be considered to be in compliance with these requirements.
 - c. If proposed parking spaces vary from the standard by more than 10%, but not more than 20%, such request must be accompanied by a traffic study and can be approved by the City Planner if the study indicates the proposed parking is reasonable.
 - d. Any variation from the parking standards table of more than 20% must be approved by the Zoning and Planning Commission with a Special Use Permit. A parking study will be required.
 - e. The requirements in paragraphs b through d above shall apply in all situations in which proposed parking spaces are either less than or more than the standard listed in VI.A.1.
3. Mixed use retail/service/office centers more than 10,000 square feet in size shall be encouraged to share parking and can use the parking ratio shown in table A.1. if they comply with the following:
 - a. No more than 5% of parking spaces on the property may be reserved with a maximum number of reserved spaces not to exceed 10.
 - b. Mixed use center shall be at least 30% office or retail and no more than 10% shall be a restaurant use. Percentage of use shall be based on gross floor area.
 - c. If restaurant use exceeds 10% of the facility, additional parking shall be added according to table A.1 based on the amount of restaurant square footage that exceeds 10%.

- d. In determining compliance with parking requirements for mixed use facilities, the City Planner may allow some flexibility. A parking study shall be required when flexibility is requested and may be granted when parking study indicates such flexibility is warranted and is in keeping with the spirit and intent of this Section.
4. If approved by the Zoning and Planning Commission, parking spaces may be designated for future possible parking needs, but not developed until such time as they are deemed necessary by the property owner or the City. These deferred parking spaces shall be counted toward the required parking for the facility.
 - a. The area of the deferred spaces shall be landscaped in conformance with the City’s landscape regulations. If deferred parking spaces are not ever deemed necessary, such spaces do not need to be developed but shall be maintained as green space.
 - b. At such time that approved deferred spaces are to be developed, a permit will be required from the Building Department and compliance with applicable City Codes, including specifically all City of Ladue Stormwater Regulations in effect at the time of construction. A Special Use Permit amendment or Site Plan amendment will not be required if deferred spaces are constructed as approved.
 5. Parking spaces shall not be used for storage or for any other purpose. Commercial trucks and vehicles shall be parked at the rear of the premises, or other area screened from view, during non-business hours.

B. Accessible Parking Spaces

1. Accessible parking spaces designated for disabled persons shall be required according to the table below. Required accessible parking spaces shall be inclusive of the total number of spaces required.

Total Parking Spaces in Lot	Required Number of Accessible Spaces
25 or fewer	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000+	20 plus 1 for each 100, or fraction thereof, over 1,000

2. Each accessible space designated for use for the disabled shall be marked by an above grade sign showing the international symbol of accessibility, in compliance with the Missouri Revised Statutes. Said sign shall be centered at the interior end of the parking space a minimum height of sixty (60) inches from the bottom of the sign to the parking space

finished grade. Said sign shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine." Sign permits are not required for parking signs designating accessible parking spaces.

3. Each accessible parking space shall be at least eight (8) feet wide with an adjacent five (5) foot wide aisle. Aisles may be shared by two (2) spaces. One (1) in every four (4) accessible parking spaces shall be:
 - (a) Served by an access aisle a minimum of eight (8) feet wide or otherwise designed to meet federal ADA standards for van accessible parking;
 - (b) Designated "lift van accessible only" with signs that meet the requirements of the Americans with Disabilities Act.
4. Accessible parking spaces shall be located on the shortest possible accessible route to an accessible entrance of the building. If a building has multiple accessible entrances, handicapped parking shall be located near each accessible entrance.
5. Accessible parking spaces, aisles, and routes must be maintained in good repair and kept clear of snow, ice, or fallen leaf build-up.
6. The provisions of this Subsection shall apply to the construction of any new parking lot and at the time an existing parking lot is restriped. Nonconforming signs or spaces otherwise required pursuant to this Subsection which were in use prior to the enactment of this Subsection, shall not be in violation of this Subsection during the useful life of such signs or spaces.

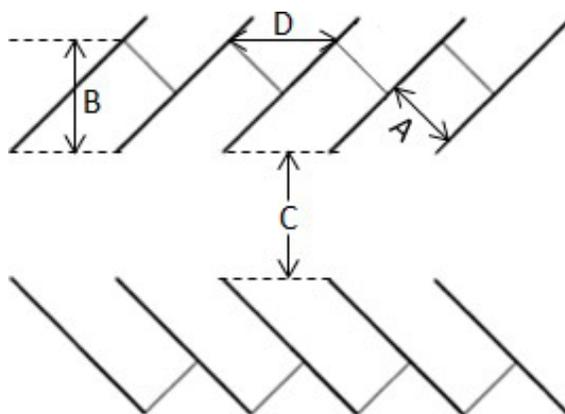
(Amended June 2018, Ord. # 2189)

C. Parking Lot Design, Access, and Maintenance

1. The minimum size of a parking space shall be 9 feet wide by 19 feet long.
2. The minimum dimensions of off street parking areas shall comply with the following table:

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

Parking angle	Stall width (A)	Aisle to curb (B)	Aisle width* (C)	Curb length per stall (D)
90°	9.0'	19.0'	22.0'	9.0'
60°	9.0'	21.0'	17.5'	10.5'
45°	9.0'	19.7'	12.5'	12.7'



3. In the event that the desired parking angle is not listed in the above table, different dimensions may be used and submitted to the Ladue City Planner for approval. To determine compliance, dimensions shall be compared to other requirements in this Section to ensure that any such modifications are in keeping with the spirit and intent of this Code.
4. On-site parallel parking stalls shall be a minimum of 9'x22' and adjacent to a 22' two-way lane or a 15' one-way lane.
5. All parking areas, roads, and drives shall be paved with a surface material meeting the specifications of the City of Ladue. City staff may approve pervious surface materials where appropriate and keeping with the spirit and intent of this Code.
6. If proposed parking spaces exceed 110% of the general parking standards shown in the table in Subsection VI.A.1, any spaces that exceed 110% must be paved with a pervious material, as approved by City staff.
7. Parcels of land shall be permitted one driveway opening per street frontage, but additional driveway openings may be approved through a Site Development Plan provided there is a minimum of one-hundred (100) feet of frontage for each driveway opening along each road. Driveway openings shall not exceed thirty (30) feet in width unless a wider opening is specifically approved in a Site Development Plan. *[Ord. 1531]*
8. Parking lots shall provide for the efficient circulation of vehicles by minimizing backing movements. In no event shall parking or loading spaces require or permit the backing of vehicles into public rights-of-way.
9. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers, or other similar measures placed in the surfacing.
10. The parking area shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and 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, trees, and shrubbery, as well as surfacing of the parking area, shall be maintained in good condition throughout its use for parking purposes. The Building Commissioner shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair, or rehabilitation is completed.

11. Sidewalks shall be provided along the front property line on the property or on the street right-of-way between the property line and the edge of the street paving or curb; the location and design shall be reviewed by City Staff. The sidewalk requirement can be waived if the City Council finds a sidewalk would be inappropriate in the location.

D. Parking Lot Screening and Landscaping

1. The owner of the property and the operator of any business thereon shall plant trees or shrubs so as to screen off-street parking areas from the view of the street as well as any adjoining property in a residential district.
2. Parking lot landscaping shall be reviewed according to Chapter 102, Article IV and the Ladue Code of Ordinances.
3. A planting strip of 10 feet shall be provided in the front yard, adjacent to the right-of-way of the property. A landscaped screen three (3) feet in height shall be planted along the length of the strip and trees shall be planted at no more than twenty-five (25) feet on center in the required landscape strip. If necessary, some trees and landscaping may be located in the right-of-way with approval of the Public Works Department or other appropriate entity and in accordance with Chapter 90 of the Ladue Code of Ordinances.
4. A landscaped buffer strip shall be provided at a minimum width of twenty (20) feet between a parking lot and an abutting property line with a residential use. Landscaping shall be required to screen the parking area from the view of residential properties.
5. During the Site Plan or Special Use Permit process, as deemed necessary based on the usage of the site, the Zoning and Planning Commission may require reasonable, additional landscaping or an enlarged buffer strip in addition to what would otherwise be required in this Section. A solid fence or a masonry wall may be required in addition to landscaping or may be substituted for the screen planting in side and rear yards, but not along any public or private street.
6. All parking areas shall contain a landscaped area equal to ten (10) percent of the required parking spaces which areas shall contain trees, shrubs, ground cover, or grass. All other parts of a lot not used for buildings or other structures for parking, loading, or access ways, shall be suitably landscaped.
7. The ends of parking rows abutting a circulation aisle shall be defined by interior landscaped areas. All interior landscaped areas in parking lots shall have a minimum size of 135 square feet. Each separate interior landscaped area shall include at least one deciduous shade tree, and there shall be at least two such trees for every one hundred (100) linear feet of parking in an interior parking row (not adjacent to the perimeter).
8. The planting shall be maintained, kept free of trash and debris, and all dead material shall be removed and replaced. No planting shall be permitted or maintained so that it would be a safety hazard at any entrance to or exit from a parking area.
9. All loading and truck circulation areas adjacent to residences shall be located at least 30 feet from the property line adjacent to a residential property and shall be completely screened by building walls, solid fences, masonry walls, and/or landscaping.

E. Parking Lot Lighting

Parking lot lighting shall comply with the requirements in Section IV., Subsection H regarding lighting.

F. Stormwater Management for Parking Facilities

1. At least one bioretention area shall be required for every new parking area or for every increase in impervious parking area of at least 1000 square feet. Bioretention area must be designed to address stormwater runoff in compliance with City requirements and be approved by the St. Louis Metropolitan Sewer District (MSD).
2. Additional stormwater management shall be required in order to meet the City’s stormwater regulations in Chapter 110 of the Ladue Code of Ordinance and other relevant regulations and must be approved by MSD.
3. Pervious material may be used for parking areas as approved by City staff, in accordance with the intent and spirit of this Code. Maintenance agreements may be required for certain types of pervious pavement. Pervious pavement may be required for certain parking lots, subject to the requirements of this Section.

G. Off-Street Loading Requirements

1. There shall be provided at the time any building is erected or structurally altered off-street loading space in accordance with the following requirements.

Use	Gross Floor Area of building (in square feet)	Required Loading Spaces
Office Building	Less than 5000	None
	5,000 to 50,000	1
	50,000 to 200,000	2
	Each 75,000 over 200,000	1
Retail Service or Wholesale Use	Less than 2,000	None
	2,000 to 20,000	1
	20,000 to 100,000	2
	Each 75,000 over 100,000	1
Industrial Use	Less than 5,000	None
	Each 10,000 over 5,000	1

2. In all cases where the required off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the lot on which the use is located.
3. All required off-street loading spaces shall be paved and shall be screened from the front yard area of the lot and from adjoining property in a residential district.

H. Parking Regulations for Residential Uses

1. All required parking spaces for a residential use shall be located in a part of the main structure, in an accessory garage, in a carport, or in any established side or rear yard, but shall not be located within a required rear yard, required side yard, or any part of a front yard, except that in the E-1 District the required two (2) parking spaces may be located in one side yard and any part of a rear yard or the required rear yard. [Ord. 1895]
2. All required parking spaces in residential areas shall have a stable surface, as approved by the Building Department and shall be provided with access by way of a driveway that shall also have an approved stable surface.

3. Driveways and similar outdoor parking facilities accessory to a residential use which are developed in any residential district in accordance with the requirements of this Section shall be used solely for the parking of passenger automobiles, including light trucks of less than 8,000 pounds gross vehicle weight, owned or leased by occupants of the dwelling structures to which such facilities are accessory, or by guests of such occupants or owners, except as provided in paragraphs (4), (5), and (6) of this Subsection H.
 4. No commercial vehicle shall be parked on residentially-zoned land except such vehicles temporarily parked on a lot for the purpose of providing permitted construction, or for maintenance or other contracted services specifically for the location where such vehicle is parked or as specifically allowed by paragraphs (5) or (6) of this Section VI. H. Vehicles engaged in construction for which a building permit has been issued by the city must be moved from the site within 24 hours of job completion, expiration, or revocation of a building permit. Vehicles engaged in maintenance or other contracted services may not remain on the site for more than 7 calendar days and must be moved from the site within 24 hours of job completion.
 5. A single trailer, motor home, recreational vehicle, boat, commercial vehicle, or light truck may be stored only in a rear yard if hidden by a screen as defined in Section XV if it meets all of the following criteria:
 - (a) Owned, leased, and/or operated by the occupant of the residence;
 - (b) Does not exceed three-quarter ton rated capacity and does not exceed 12,000 pounds gross vehicle weight as licensed by the State of Missouri;
 - (c) Does not have more than two axles;
 - (d) Does not exceed 20 feet in length, eight feet in width, or eight feet in height;
 - (e) Is not designed or used for hauling explosives, gasoline, liquified petroleum products, or any other hazardous materials;
 - (f) Is not a vehicle for hire for the transportation of persons for a fee or other consideration; and
 - (g) Is not designed or used for the transportation of freight, merchandise, or construction materials for hire.
 6. Any noncommercial vehicle meeting all of the criteria in paragraph (3) above except items (b) and/or (d) may be garaged on a residential lot, but shall not be stored in any yard.
 7. Whenever applicable, residences must have at least one interior driveway that meets the minimum requirements to be used by the Ladue Fire Department as a fire access road.
- I. Non-conforming Parking Facilities

Legally established parking facilities that do not meet these requirements may continue as previously established. If the use of a parking facility is changed, a building is enlarged, or other changes are introduced that affect parking, such as seating capacity, the changes to the parking facility must comply with the current parking requirements. Whenever a parking area is repaved or restriped, the parking facility must come into compliance with Subsection B

regarding Accessible Parking and should comply with other requirements, especially Subsection C, whenever feasible. Whenever an existing building is reconstructed or enlarged by at least 20% of gross floor area, the property shall be required to thereafter comply with all the requirements for parking facilities in this Section VI and other applicable City of Ladue regulations.

SECTION VII. SPECIAL USE REGULATIONS

Section VII. SPECIAL USE REGULATIONS

- A. Written application shall be filed with the City Planner, together with a filing fee in the amount required by ordinance to obtain a special permit (1) for the uses hereinafter set forth in this section or (2) for uses previously issued a special use permit where alteration or an extension is requested or (3) for uses established previous to the adoption or amendment of the Zoning Ordinance for which a special use permit would otherwise be required by the provisions of this section, where alteration or an extension is requested. No subsequent application with respect to the same property or any part thereof, whether or not made by the same applicant, shall be accepted for review until the expiration of six months after final action by the City Council on a prior application, unless the City Council determines to waive this limitation because of a material change in the relevant circumstances or in the nature of the application. *[Ord. 1379, 1482, 1637, 2099]*
- B. In addition to the application, applicant shall submit architectural plans of the building(s) and structure(s) for which the special use is requested and a site plan of the entire parcel, showing its boundaries, dimensions and area, and the location of all existing and proposed buildings and structures evidencing conformity of all proposed improvements to no less than the minimum standards and requirements of this Zoning Ordinance and the ordinances of the City of Ladue; necessary descriptive material of the entire parcel including all permitted and special uses and such other information as the City staff and officials may reasonably require.
- C. Upon receipt of an application and required supporting data, the City Planner shall mail written notice thereof to the owners of the property located within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the property sought to be devoted to such use. The City Planner shall promptly forward a copy of said application and supporting data to the City Zoning and Planning Commission and schedule a meeting for the Commission to review, investigate, consider, and make written report thereon to the City Council. After publication in a newspaper of general circulation in the City of Ladue of at least fifteen days' notice of the time and place of such hearing, and after receiving the report of the City Zoning and Planning Commission, the City Council shall hold a public hearing relative to said application. *[Ord. 1637]*
- D. The Zoning and Planning Commission or City Council may require a traffic study, parking count study, and/or access management plan as defined by FHWA, as needed to determine the effect of the proposed use on traffic, parking, and vehicular safety. Such studies shall be prepared by a qualified traffic engineering professional. If any such study is submitted, the Zoning and Planning Commission or City Council may require an analysis of such submittals which shall be prepared by a separate qualified traffic engineering professional selected and engaged by the City and paid for by the applicant.
- E. In considering whether or not such application should be granted, it shall be the duty of the City Zoning and Planning Commission and of the City Council to give consideration to the effect of the requested use on health, safety, morals, and the general welfare of the residents

of the area in the vicinity of the property in question, and the residents of the City generally, including the effect on:

- (1) Traffic and congestion on streets, drives and parking areas;
- (2) Fire hazards;
- (3) Overcrowding of land or undue concentration of people;
- (4) Fire, police, and utility services;
- (5) Municipal expenditures;
- (6) The character of the district and property values in the area; and,
- (7) The general suitability of the property in question for the proposed use.

F. After report by the City Zoning and Planning Commission, and after such public hearing, and after consideration of all of the factors hereinabove set forth, and subject to such protective restrictions as it may deem necessary in conjunction with such factors, the City Council may issue a special permit authorizing the location, erection, reconstruction, or structural alteration of the land uses or structures that require a Special Use Permit according to Section III of this Zoning Ordinance. However, the City Council reserves full authority to deny any request for a special use, to impose conditions on the use, or to revoke approval at any time upon a finding that the permitted special use will or has become unsuitable and incompatible in its location as a result of any nuisance or noncompliant activity generated by the use. *[Amended by Ord. 2331]*

G. In case, however, that the City's Zoning and Planning Commission recommends disapproval of an application for a special use permit or in case of a protest against the granting of any such application duly signed and acknowledged by the owners of ten (10) percent or more of the area of the property located within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the property sought to be devoted to such use, but excluding any property owned by the applicant, such use shall not be permitted except by the favorable votes of three-fourths of all members of the City Council.

(Section VII, A-G, amended by Ord. 2304)

H. In addition to the other considerations stated in this Section, proposed Special Uses must also meet the following requirements to be considered for a Special Use Permit:

1. Automobile Leasing Facility

- a. Property must be in the G2 Commercial Zoning District.
- b. Property must be at least 2 acres in size.
- c. Property must provide at least the minimum required customer and employee parking spaces as required by Section VI. Additional parking spaces may be used for storage of vehicles to be leased.
- d. Properties for vehicle sale or leasing must have at least 175 feet of frontage on a principal arterial or minor arterial (as indicated by the East West Gateway Roadway Functional Classification System for St. Louis County).
- e. If leasing facility is adjacent to residentially zoned property, the vehicle leasing site must provide a minimum vegetated buffer of 75 feet in width.

- f. Vehicle leasing site may consist of office space, vehicle storage, and servicing of leased vehicles, which shall take place within an enclosed garage facility.
- g. Property must comply with commercial site design requirements.

2. Accessory Automobile Sales

- a. Property must be in the G2 Commercial Zoning District.
- b. Property must be at least 3.5 acres in size.
- c. Property on which sales activities are to take place must be at least 200 feet from any residential property.
- d. Property must provide at least the minimum required customer and employee parking spaces as required by Section VI. Additional parking spaces may be used for storage of vehicles to be leased.
- e. Property must comply with commercial site design requirements.

3. Single-family dwellings exceeding maximum allowed square footages in area under roof

- a. The proposed residence must be on a conforming lot meeting all minimum area, minimum lot width, and minimum lot frontage requirements of the zoning district in which it is located.
- b. The proposed residence must be on one lot and the area of the lot shall not be reduced in area at any time after the construction of the residence.
- c. The proposed residence shall be used only as a single-family dwelling including customary accessory uses.
- d. In addition to the requirements listed above and the Special Use Permit criteria in Section VII. (C), the following criteria must be addressed in the application and plan submittal:
 - i. The degree to which the proposed structure visually impacts those who routinely see it from viewing locations other than the subject property
 - ii. The degree to which visual impacts of the proposed structure have been sufficiently mitigated by virtue of its location, design, or construction or by virtue of effective landform and landscaping measures
 - iii. The degree to which the natural vegetation, particularly tree cover is preserved and protected
 - iv. Adequacy of proposed water retention facilities on the subject property in mitigation of water runoff on adjacent properties

- v. Doors, windows, and other details of the proposed residence shall be of a residential scale and not be significantly larger than the features of surrounding residences
- e. The following shall apply specifically to single family dwellings exceeding 15,000 square feet in area under roof in Districts A, B, and C, only:
 - i. A scale model of the proposed residence shall be submitted with the application including all of the lot on which the residence is proposed.
 - ii. In no case shall the proposed residence exceed a floor area under roof to lot area ratio of ten (10) percent (i.e. there shall be at least 10 square feet of lot area per one square foot of floor area under roof).
 - iii. In no case shall the length of the building measured roughly perpendicular to the side lot lines exceed fifty (50) percent of the width of the lot, as measured at the front yard setback line.
 - iv. The minimum side yard setback shall be fifty (50) feet.
 - v. Comments from the Fire Department shall be addressed including proximity to the nearest fire hydrants and the necessity of providing fire lanes on site.
 - vi. Automatic fire sprinkler systems shall be provided per Fire Department specifications.
 - vii. Provisions shall be made for adequate off-street parking on the lot for the duration of the construction period.
 - viii. A minimum of six permanent off-street parking spaces shall be provided on site within garages, and/or side yards, and/or rear yards, but shall not be provided in any required yard or any part of a front yard.

4. Drive-through and Mobile Banking Facilities

- a. All drive-through service windows shall provide at least 10 queuing spaces.
- b. Each queuing space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along all portions of the lane(s).
- c. Properties with drive-through facilities must have at least 150 feet of frontage on a principal arterial or minor arterial (as indicated by the East West Gateway Roadway Functional Classification System for St. Louis County).
- d. The drive through shall not be located between the front façade of the structure and the main arterial roadway that the building faces.
- e. Service windows shall be a minimum of 25 feet behind the front façade of the principal building.
- f. The drive-through window must be separated from any residentially zoned property by at least 100 feet.

- g. If the property is adjacent to a residential use, a visual buffer of at least 50 feet must be provided between the drive-through service area and the residential use. The buffer may be landscaping or structural.
- h. Queuing lanes must be set back at least 5 feet from all property lines.
- i. Queuing lanes shall be geometrically designed and strategically located so as to minimize traffic congestion and to promote pedestrian safety.
- j. Pedestrian walkways and crossings upon the site shall be clearly marked or distinguished to avoid conflict between pedestrians and traffic through the use of raised pedestrian crossings, change in paving material or embossed striping, bollards, landscaping, or other approved method. Painted striping does not meet this requirement.
- k. A traffic impact study, prepared by a registered professional engineer, shall be required to determine the effect on traffic and safety on area roadways.
- l. A site plan, prepared by a registered professional engineer or surveyor, shall be submitted with the application and shall show the location and dimensions of all elements of the parking area and drive through.

5. Special Events

- a. Special Events, as defined by Chapter 86 of the City’s Code of Ordinances, that include any of the following shall be required to obtain a Special Use Permit:
 - i. Entertainment or other sound at the Special Event will likely exceed the limits of the City’s noise ordinance as determined by the City’s Event Coordinator.
 - ii. Special Event will occur for a period of time greater than 10 hours.
 - iii. 8 or more vendors will be present at the Special Event.
 - iv. Sales of liquor by the drink will take place and the Special Event is open to the public.
 - v. State-sanctioned sporting events that, in order to address health or safety concerns or religious considerations, seek to utilize temporary lighting, which does not comply with the lighting requirements in Section IV.I of the Ladue Zoning Ordinance.
- b. Applications for a Special Use Permit for a Special Event must be submitted at least 120 days prior to the event, except that institutions that seek to employ temporary lighting, pursuant to 5.a.v of this Section, shall submit an application at least 60 days in advance of the earliest sporting event that may utilize temporary lights and shall submit a list of all events in that season for which they may seek to employ temporary lighting. Conditions may be placed on the approval to ensure that the event can meet the required criteria for Special Use Permit approval.
- c. In addition to the Special Event requirements in Chapter 86 of the Code of Ordinances and the Special Use Permit criteria, Special Events that require a Special Use Permit shall be required to comply with the following:

- i. Adequate sanitary facilities must be provided on the premises for the persons attending the event.
 - ii. Adequate parking must be provided. Illegal street parking will not be tolerated. Failure to show that adequate parking will be provided shall be grounds for denial of a Special Use Permit.
 - iii. Event shall not cause excessive traffic congestion.
 - iv. Activities shall not be allowed to obstruct the public right-of-way, unless the event organizer has obtained permission from the appropriate City authority.
 - v. Activities will require authorization from the Police Department, Fire Department, Public Works Department, and/or other City staff, as applicable.
 - vi. All evidence of the Special Event must be cleaned up at the close of the event, including any litter or decorations carried away by wind.
 - vii. Applicants for events that will not comply with the noise and/or lighting ordinance must explain why they are not able to comply with City regulations and indicate how they will minimize the impact on residential properties.
 - viii. Temporary signage, as defined by Section XI of Ordinance 1175 may be allowed with an approved Special Use Permit, but must comply with the following:
 - 1) Shall not exceed 10 square feet.
 - 2) Banners and decorations shall not create excessive visual clutter nor shall they distract motorists. The full list of prohibited signage is listed in Section 130-7 of the Ladue Code of Ordinances.
 - 3) Temporary signage materials may be displayed for no more than 10 days. Signage materials must be taken down immediately upon completion of the event.
- d. Because the intention of this Section is to allow for the temporary use of property under specific controlled conditions, the City's issuance of a Special Use Permit is not intended to, and expressly does not, create a vested property right in any use of property allowed by the City's grant of a Special Use Permit nor does it create a right or expectation in the property owner to the City's issuance of a subsequent permit for the same use. The City may, at its sole discretion, based upon the health, safety, and welfare of the citizens of the City of Ladue and the community as a whole, revoke an existing Special Use Permit for violation of its terms or other exigent circumstances or decline issuance of further permits.
 - e. Substantive complaints from previous events hosted by the organizer or violations of this Section by the event organizer shall be grounds for denial of future permits for Special Events.
 - f. Any Special Use Permit issued according to this Section shall not be transferred to any other person or to any other location for the operation of a Special Event at that location.
 - g. In addition to the requirements for Special Event approval in Chapter 86 of the

Code of Ordinances, the following items are required to make application for a Special Use Permit for a Special Event:

- i. Special Use Permit Application and fee as required by Ordinance
- ii. A sketch of the property showing the areas of outdoor sales, food, entertainment, and other activities.
- iii. Details regarding the sound and lighting for the event must be submitted, including mitigation measures to minimize the impact on any nearby residential properties.
- iv. Design and size of all temporary signage.
- v. Descriptions and/or pictures of any structures, decorations, tents, booths, or other items to be located on the site of event, that are different from the everyday activities of the site.
- vi. Any additional information reasonably necessary and relevant to the issuance of the Special Event Permit.

{Subsection F.5. was modified by Ord. 2297, 2368}

6. Medical Marijuana Facilities

- a. Medical Marijuana Facilities shall be allowed in certain zoning districts with a Special Use Permit as indicated in Section III of this Ladue Zoning Ordinance.
- b. All Medical Marijuana Facilities in the G2 and H zoning districts shall be located at least 1000 feet from all school properties, day care facilities, and churches that are currently operating.
- c. The buffer distance described in this section shall be determined by measurement from the property line of the protected use (school, church, etc.) in a straight line to the nearest portion of the structure used to house the Medical Marijuana Facility.
- d. No Medical Marijuana Dispensary within the City of Ladue shall be located within 1,000 feet of another Medical Marijuana Dispensary within the City of Ladue.
- e. No Marijuana Facility shall emit a nuisance odor. (An odor is a nuisance if it occurs on a regular basis and unreasonably interferes with the proper use and enjoyment of the property of others.) All Medical Marijuana Facilities shall have and maintain an odor control system which is at least as stringent as that which is required by State regulations.
- f. All applications for Medical Marijuana Facilities shall be accompanied by the following information:
 - i. Site plan and building plan showing the location of all activities.
 - ii. Security plans for the facility demonstrating security systems, equipment, and procedures which are at least as stringent as those which are required by State regulations.
 - iii. Odor control systems for the facility demonstrating such systems are at

least as stringent as that which is required by State regulations.

- iv. Additional information may be required by the Building Department.
- g. No Medical Marijuana Facility may operate in the City of Ladue without a valid license issued by the Missouri Department of Health and Senior Services (DHSS) and a current business license issued by the City of Ladue. The license issued by the DHSS shall be prominently displayed near the front entrance to the facility as required by State regulations.
- h. No Medical Marijuana Facility may use combustible gases or CO₂ during the extraction process within the City of Ladue.
- i. No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any Medical Marijuana Facility within the City of Ladue.
- j. The maximum floor area of a Medical Marijuana Dispensary shall be 2,000 square feet. (Whenever the strict enforcement of this provision would entail real and substantial difficulties or hardships, the Planning Commission and City Council may vary or modify such requirement for good cause shown by the applicant, including inability to meet mandates and requirements of such facilities by the state, but at the same time the public welfare and interests of the municipality are fully protected and the general intent and spirit of the regulations are preserved.)
- k. Signage shall comply with the signage regulations in Section XI of this Zoning Ordinance.
- l. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in a secured area enclosed by a fence meeting the City's requirements for fencing type, maximum height, and setback requirements. Outdoor operations or storage shall only be allowed for a Medical Marijuana Testing Facility and a Medical Marijuana Transportation Facility to the extent authorized by State regulations. Outdoor storage shall be prohibited for Medical Marijuana Dispensaries.
- m. All Medical Marijuana Facilities shall comply with all provisions of the Zoning Regulations of the City of Ladue, all provisions of Article XIV, Section 1 of the Missouri Constitution, as well as any and all rules and regulations promulgated by the DHSS regulating Medical Marijuana including but not limited to security requirements, lighting, parking, record maintenance and retention, and patient verification requirements.
(Ord. 2226)

7. Subdivision Gates

- a. Gates over subdivision roads may be allowed with the approval of a Special Use Permit. A Special Use Permit may be issued if gate is determined to be consistent with the City's character and the City's goals and vision as stated in the Comprehensive Plan; the general criteria for approval of a Special Use Permit; as well as Section IV.H(3) which regulates the physical attributes of gates. To be approved, subdivision gates shall also be consistent with the following:
 - i. If a private residential road has excessive traffic and provides access from

one public road to another (or access to the same public road at more than one location), the Zoning and Planning Commission and City Council may, if the criteria for a Special Use Permit are satisfied, permit a gate in that subdivision, subject to the following:

- 1) The Zoning and Planning Commission may require that a traffic study (with traffic counts) be submitted to prove that there is excessive traffic.
 - 2) Excessive traffic shall be considered to be at least 30% more trips than would be expected for a residential street based on the number of households and the average number of trips per household per day.
 - 3) Multiple gates in a single subdivision shall be discouraged but may be allowed when the subdivision is subject to excessive cut-through traffic that cannot be addressed by a single gate. Conditions shall be put on such gates to require that both gates not be closed at the same time and to ensure that emergency services are given a schedule indicating when such gates are planned to be closed or open.
 - 4) The burden is on the applicant to provide substantial evidence that demonstrates that the road has excessive traffic different than other streets in the City as well as to show that the general criteria for issuance of a Special Use Permit are satisfied.
- ii. If a private subdivision road or easement over which the gate is proposed provides or is expected to provide access to two (2) or fewer residences and intersects a public road a Special Use Permit for a gate may be approved when the criteria for issuance of a Special Use Permit are satisfied. This shall apply to dedicated road easements only - not privately owned driveways.
- iii. Gates shall be strongly discouraged for private streets that are not subject to excessive cut-through traffic or that provide access to more than 2 residences, but may be approved if the subdivision is subject to the following:
- 1) Traffic near the subdivision is high due to adjacent commercial uses or public facilities and subdivision road is being heavily used as a turnaround point for traffic from a nearby use. Traffic study/traffic counts may be required to verify excessive traffic/turnaround use. The burden is on the applicant to provide substantial evidence that demonstrates that the road is being heavily used as a turnaround point different than other streets in the City, as well as to show that the general criteria for issuance of a Special Use Permit are satisfied.
 - 2) Subdivision has exceptional security concerns as demonstrated by police reports for incidents on that street. Gates may be approved for such subdivisions on the condition that the gates remain open during daylight hours. The burden is on the applicant to provide substantial evidence that demonstrates that the subdivision has

exceptional security concerns that are materially different from other subdivisions in the City, as well as to show that the general criteria for issuance of a Special Use Permit are satisfied.

- b. In addition to meeting the above criteria, subdivision gates shall comply with the following.
 - i. Gated subdivision roads shall provide a means of access for pedestrians except that this requirement can be waived by the Zoning and Planning Commission and City Council for private roads or roadway easements that provide access to two or fewer residences where pedestrian use is impractical due to distance or other accessibility issues.
 - ii. Minimum width of gate opening shall be equal to the required pavement width.
 - iii. Adequate width must be provided for vehicle to turn around in lieu of requiring vehicle to back out of subdivision. If the width of the street at the location of the gate is less than 26 feet, a parking pad with a stable surface shall be provided to allow the vehicle to safely turn around and exit the area.
- c. An application for a gate across a subdivision road or road easement must be accompanied by a site plan, depictions of the gate, signatures of approval of 75% of the property owners in the subdivision, signatures of approval of all subdivision trustees, and any additional information required to show compliance with the requirements in this Section.

{Subsection F.7. was added by Ord. 2293}

[Section VII replaced per Ordinance 2178]

SECTION VIII. WIRELESS COMMUNICATION REGULATIONS

A. Purpose and Intent

The general purpose of this Section is to regulate the placement, construction, installation, and appearance of wireless communications facilities in the City of Ladue. The City recognizes that the availability of wireless telecommunications services is important to the quality of life and success of commercial services within the City. Specifically, this Section intends to achieve the following:

1. Enable the development of wireless telecommunications services such that all residents and businesses may be served by reliable wireless services.
2. Guide the location and construction of telecommunications facilities such that the visual impacts are minimized, with requirements to include setbacks, landscaping, and other camouflaging requirements to ensure compatibility with the neighborhood or surrounding community to the extent possible.
3. Incentivize concealed communications antennas by reducing the regulatory requirements for these types of antennas.
4. Ensure that towers and other wireless communications facilities are soundly and carefully designed, constructed, installed, and maintained, and removed when no longer in use.
5. Ensure that regulation of wireless communications facilities does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among functionally equivalent providers of such service and promotes the provision and availability of communication services within the City.

B. Applicability and Self-Preemption

The requirements of this Section shall apply to all new wireless communications facilities located in the City of Ladue. Any towers or other wireless communications facilities that are legally existing prior to the passage of this ordinance but that don't fully comply with these new regulations shall be allowed to continue as nonconforming uses. Modifications shall require permits as described in Subsection VIII.D. Routine maintenance and repairs shall not require a permit under this Section. No provision of this Section shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any subsection, sentence, clause, phrase, or portion of this Section is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law.

C. Definitions

Administrative Permit. An application filed for a permitted use that provides details about the proposed antenna/structure such that staff can confirm that it meets the criteria to qualify as a permitted use.

Alternative Support Structure. A structure other than a communication tower that may support one or more communication antennae, including, but not limited to a building or light pole. {Ord. 1752}

Communication Antenna or Antenna. Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to VHF and UHF television; FM or AM radio; two-way radio, cellular telephone, personal communications services (PCS)

or other wireless telephony, fixed point microwave, low power television, or other similar wireless communications and common carriers. This definition does not include small satellite dish antennae that only receive a signal, any other receive only antenna including a satellite earth station, any receive-only home television antenna, or any accessory antenna as herein defined which does not exceed 35 feet in height.

Accessory Antennas. Antennas and supporting structure attached to a building or located on the same lot as a building, designed and used for an amateur radio or citizen band radio (including such antennae used for transmitting and receiving), a similar communication device that only receives a radio frequency (RF) signal or any receive-only home television antenna.

Panel Antennas. Antennas or an array of antennas designed to concentrate a radio signal in a particular area. Panel antennae are basically flat, rectangular devices approximately six square feet in size and are commonly referred to as directional antennas.

Satellite Dish Antennas. Devices or structures used to transmit and/or receive radio, television or electromagnetic waves or signals between terrestrially and/or orbitally based uses through a reflective surface that is solid, open mesh or bar configured and generally is in the shape of a shallow dish, cone, horn, or cornucopia. This definition includes, but is not limited to, satellite earth stations, television-reception-only (TVROs), and satellite microwave antennae.

Whip Antennas. Antennas that are cylindrical in shape, less than six inches in diameter, up to 18 feet in height, and transmit signals in a 360-degree direction. Also commonly referred to as omnidirectional, stick or pipe antennae.

Communication Tower. A freestanding structure designed for the support of one or more communication antennae and including guyed towers, self-supporting (lattice) towers, or monopoles. This definition shall also include any tower, column, or similar structure mounted on the roof of a building and exceeding 15 feet in height above the level of the roof at the point of attachment which is designed for the support of one or more communication antennae. This definition shall not include any structure of 35 feet or less in height owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

Concealed Communication Antenna. A communication antenna, as defined in this Section, that is installed such that the antenna, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides within a structure that achieves total architectural integration. (Ord. 2220)

Existing Structure. Any structure capable of supporting Wireless Communications Facilities (other than a Support Structure) in full conformance with the design and other requirements of this Section and is: (1) existing prior to the date of all applicable permit applications seeking City authorization for installation of such facilities thereon and (2) not built or installed in anticipation of such specific installation or erected as a means to evade approvals applicable to a non-existing structure. (Ord. 2220)

Small Wireless Facility. An Antenna and associated equipment that meets the following:

- i. An Antenna of no more than six cubic feet (6ft³) in volume; and
- ii. All other associated equipment, to the extent permitted by applicable law to be calculated, of cumulatively no more than twenty-eight cubic feet (28ft³) in volume; provided that no single piece of equipment on the Utility Pole shall exceed nine cubic feet (9ft³) in volume, and

no single piece of ground mounted equipment shall exceed fifteen cubic feet (15ft³) in volume. (Ord. 2220)

Stealth Communication Tower or Stealth Tower. A communication tower that is designed to blend in with the surrounding environment and which conceals all communication antennae and other equipment from view. A stealth communication tower may be designed to resemble a flagpole or other object that blends into the area and cannot be identified as a Communication Tower by persons with reasonable sensibilities and knowledge.

Support Structure. A Communication Tower or Stealth Communication Tower. (Ord. 2220)

Utility Pole. A pole that is or may be used for wireline communications, lighting, traffic control, signage, or a similar function, which may also support a Small Wireless Facility. (Ord. 2220)

Wireless Communications Facility. Any Antenna, Alternative Support Structure, Small Wireless Facility, or Support Structure, and associated equipment. (Ord. 2220)

D. Permit Requirements for Wireless Facilities

New Wireless Communications Facilities, where permitted, shall be subject to administrative review or special use permits as specified in the following table, and further described in this Section.

Zoning District	Communication Tower	Stealth Tower	Concealed Communication Antenna	Non-concealed Antenna on Alternative Support Structure	Small Wireless Facility on Utility Pole in ROW or Utility Easement
Residential Districts (A,B,C,D,E, E1)	Not permitted	Special Use Permit – on non-residential property at least 2 acres in size	Administrative Permit on property with non-residential use. (Not permitted on property with residential use.)	Only permitted on non-residential property at least 2 acres in size Administrative Permit if in compliance with E.5. Or Special Use Permit	Administrative Permit if in compliance with E.2. or Special Use Permit
Commercial G1	Not permitted	Administrative Permit	Administrative Permit	Administrative Permit if in compliance with E.5. Or Special Use Permit	Administrative Permit if in compliance with E.2. or Special Use Permit
Commercial G2	Special Use Permit	Administrative Permit	Administrative Permit	Administrative Permit if in compliance with E.5. Or Special Use Permit	Administrative Permit if in compliance with E.2. or Special Use Permit
Industrial (H)	Special Use Permit	Administrative Permit	Administrative Permit	Administrative Permit if in compliance with E.5. or Special Use Permit	Administrative Permit if in compliance with E.2. or Special Use permit

E. Administrative Permits for Communication Facilities

1. The following new locations for antennas shall be considered a Permitted Use and may be permitted pursuant to an Administrative Permit to be reviewed by the City Planner and Building Department.
 - a. Small Wireless Facility on a Utility Pole in a public or private ROW or utility easement as long as it complies with Subsection E.2.
 - b. Stealth Towers in Commercial and Industrial Zoning. (Requirements in Subsection E.3)
 - c. Concealed Communication Antenna (as defined in Subsection C.) in a commercial or industrial zoning district or on a non-residential property in a residential zoning district. (Requirements in Subsection E.3)
 - d. A non-concealed antenna that meets the setback and height requirements in Subsection E.5. and is located in a commercial or industrial zoning district or on a non-residential property at least 2 acres in size. (Requirements in Subsection E.5.)
 - e. Additional or replacement equipment on existing support structures unless such application qualifies as a “substantial modification” and exceeds the maximum height limit to be considered a permitted use. (Requirements in Subsection E.6)

2. Permitted Small Wireless Facility

Small Wireless Facilities located in any zoning district placed on an existing Utility Pole or a new or modified Utility Pole shall be permitted with an Administrative Permit and shall comply with the following requirements.

- a. A new or modified Utility Pole shall not exceed fifteen (15) feet in height above the tallest existing Utility Pole within a $\frac{1}{4}$ mile radius of the proposed Utility Pole or a height of 50 feet, whichever is greater.
- b. To the extent not prohibited by applicable law, the appearance of any new, modified, or replacement Utility Pole shall conform to Chapter 90 of the Ladue Code of Ordinances regarding Utility Poles in the right-of-way. Antenna, equipment, and cables shall be painted and/or designed to blend with the Utility Pole to the extent practical. Equipment shall be placed in a location to be unobtrusive to those who may view it (i.e., facing away from oncoming traffic or facing away from the roadway).
- c. Facility shall not materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment.
- d. Facility shall not materially interfere with compliance with the American Disabilities Act, or similar federal or state standards regarding pedestrian access or movement.
- e. Facility shall not materially obstruct or hinder the usual travel or public safety on the rights-of-way or conflict with any proposed rights-of-way improvement project, such as a bike path.

- f. Facility shall not materially obstruct the legal use of the rights-of-way by the City, utility, or other third-party.
 - g. Facility shall comply with the spacing requirements, which require that new Utility Poles not be spaced closer than 200 feet, as described in Chapter 90 of the Ladue Code of Ordinances.
 - h. Facility shall comply with applicable national safety codes, including recognized engineering standards for Utility Poles.
 - i. Facility shall comply with the decorative pole replacement and other beautification requirements as described in Chapter 90 of the Ladue Code of Ordinances.
 - j. Facility shall comply with undergrounding requirements within Chapter 90 of the Ladue Code of Ordinances.
 - k. Facility shall not result in the interference or impairment of the operation of existing utility facilities, or City or third-party attachments.
 - l. No trees or other vegetation may be removed from the right-of-way without the owner's consent. New Utility Poles shall be located outside of the drip line of existing trees to prevent root disturbance.
 - m. An Applicant may simultaneously submit no more than 20 applications for Small Wireless Facilities, or may file a single, consolidated application covering such Small Wireless Facilities, provided that the proposed Small Wireless Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the City. The Applicant shall pay the application fee as required on the application form.
3. Stealth Towers in Commercial and Industrial Zoning Districts
- A Stealth Communication Tower as defined in Subsection C shall be considered a Permitted Use in the G1, G2, and H Zoning Districts, when in compliance with the following:
- h. Stealth Communication Tower shall not exceed 85 feet in height above the ground.
 - i. The Stealth Communication Tower shall be set back from all property lines a minimum of one (1) foot for every foot of tower height. No stealth Communication Tower shall be located within 150 feet of any residential structure.
 - j. The design of the Stealth Tower shall maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment and conceal the Communication Antennas and other equipment. Landscape plans shall be required and shall be reviewed according to the City's landscape review process for new structures.
 - k. Stealth Towers shall be reviewed by the Architectural Review Board to determine whether the structures are adequately blended with the surrounding setting and built environment.

- l. If the applicant desires a height greater than 85 feet, applicant can apply to the Zoning and Planning Commission for a waiver to allow additional height upon good cause shown.
 - m. All accessory uses shall be subject to setback requirements generally applicable to principal uses in the district and no accessory building or structure shall exceed ten (10) feet in height. Any equipment shelter structures or buildings, fencing, and/or similar structures or improvements constituting accessory uses shall be located on the same parcel of land occupied by the Stealth Communication Tower and suitably screened.
 - n. No advertising signs or lighting shall be allowed on the Stealth Communication Tower.
 - o. No outdoor storage shall be allowed on the site containing the Stealth Communication Tower.
4. Permitted Concealed Communication Antennas
- The mounting of a Concealed Communication Antenna on any existing and conforming building or structure not located in a right-of-way or utility easement in the G1, G2, and H Zoning Districts or in a residential district on a non-residential property, shall be permitted, subject to Administrative Review, according to the following:
- a. Changes to the structure to accommodate a concealed antenna must be reviewed and approved by the Architectural Review Board.
 - b. The portion of the structure housing the concealed communications antennae may exceed the building height limitation provided that the concealed communication antenna is housed and concealed completely within certain architectural features on a building.
 - c. The proposed height and appearance of the architectural feature shall be architecturally compatible with the building, of a type and nature commonly found on such buildings and does not distract from the view of the surrounding area.
 - d. The proposed height, appearance, and materials of the architectural feature shall be compatible with the design, appearance, materials, and dimensions of the building.
 - e. Erection of the proposed architectural feature and concealed communication antenna at the proposed location will not be detrimental to the surrounding property values or uses, as determined by the Architectural Review Board.
 - f. All cable must be routed internally, unless otherwise approved by the Architectural Review Board.
 - g. The associated equipment must be completely concealed inside an existing building or inside an underground vault. Screen walls/fences and prefabricated facilities

will not be allowed. Equipment enclosures designed to replicate existing buildings and structures may be considered by the Architectural Review Board but must demonstrate compatibility with the surrounding area.

5. Permitted Non-Concealed Antennas

If Antenna does not meet the requirements to be considered a Permitted Concealed Communication Antenna (in compliance with Subsection E.4), antenna may be considered a permitted use if it complies with the following:

- a. Antenna is not more than 10 feet above the height of the roof on which it is mounted.
- b. Antenna is setback no less than 20 feet from any edge of the building, with the total height not to exceed 60 feet from ground level.
- c. Antenna is located on any existing and conforming building or structure not located in a right-of-way or utility easement in the G1, G2, and H Zoning Districts or in a residential district on a property with a non-residential use at least 2 acres in size.

6. Additions, Modifications, and Replacement Permitted

It shall be permitted to attach additional or replacement complying Antenna or equipment to any existing fully conforming Support Structure or as otherwise authorized by state or federal law where local zoning is preempted, provided that building permit requirements, national safety codes, and other applicable codes including recognized accepted industry standards for structural, safety, and engineering are satisfied, as demonstrated by a certified structural engineering report. An Administrative Permit application and additional information shall be submitted in order to demonstrate that the proposed facility meets the requirements of this Subsection.

F. Special Use Permit Requirements for Wireless Facilities.

1. The following new locations for Wireless Communications Facilities shall require a Special Use Permit in compliance with Section VII.

- a. Communication Tower in the G2 or H zoning districts. (Requirements in Subsection F2.)
- b. Stealth Tower in a residential zoning district on a non-residential property at least 2 acres in size. (Requirements in Subsection F.3.)
- c. Communication Antenna on an existing structure that does not meet the criteria in Subsection E.3. (Requirements in Subsection F.4.)
- d. Small Wireless Facilities in any zoning district that do not meet the criteria for a permitted use listed in Subsection E.2. (Requirements in Subsection F.5.)

2. Communication Tower

A Communication Tower that does not meet the definition of a Stealth Communication Tower and is to be erected as a stand-alone structure, may be allowed by Special Use Permit in G2 and H zoning districts, but must be in compliance with the following:

- a. Communication Tower shall not exceed 100 feet in height above the ground.
- b. Communication Tower shall be set back from all property lines a minimum of one (1) foot for every foot of structure height. No Communication Tower shall be located within 200 feet of any residential structure.
- c. Communication Tower shall be designed as a monopole and shall maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment.
- d. All accessory uses shall be subject to height and setback requirements generally applicable to principal uses in the district. All equipment shelter structures or buildings, fencing, and similar structures or improvements constituting accessory uses shall be located on the same parcel of land occupied by the Communication Tower.
- e. No advertising signs or lighting shall be allowed on the Communication Tower.
- f. No outdoor storage shall be allowed on the site containing the Communication Tower.
- g. The site containing the Communication Tower shall be surrounded by a sight-proof fence or evergreen plant material of at least six feet in height.
- h. The Communication Antennas on Communication Towers shall be limited to whip and panel antennae.

3. Stealth Communication Tower

A Stealth Communication Tower, as defined in Subsection C., on a non-residential property at least 2 acres in size shall be considered for a Special Use Permit when in compliance with the following:

- a. Stealth Communication Tower shall not exceed 85 feet in height above the ground.
- b. The Stealth Communication Tower shall be set back from all property lines a minimum of one (1) foot for every foot of tower height. No stealth Communication Tower shall be located within 150 feet of any residential structure.
- c. The design of the Stealth Tower shall maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment and conceal the Communication Antennas and other equipment. Landscape plans shall be required and shall be reviewed according to the City’s landscape review process for new structures.
- d. Stealth Towers shall be reviewed by the Architectural Review Board to determine whether the structures are adequately blended with the surrounding setting and built environment.

- e. If the applicant desires a height greater than 85 feet, the Zoning and Planning Commission may grant a waiver to allow additional height upon good cause shown.
- f. All accessory uses shall be subject to setback requirements generally applicable to principal uses in the district and no accessory building or structure shall exceed ten (10) feet in height. Any equipment shelter structures or buildings, fencing, and/or similar structures or improvements constituting accessory uses shall be located on the same parcel of land occupied by the Stealth Communication Tower and suitably screened.
- g. No advertising signs or lighting shall be allowed on the Stealth Communication Tower.
- h. No outdoor storage shall be allowed on the site containing the Stealth Communication Tower.

4. Communication Antenna (not Concealed)

If a Communication Antenna is attached to a building or other Alternative Support Structure outside of a utility easement or right-of-way and does not meet the requirements of a Concealed Communication Antenna or the other requirements for an Antenna on a non-residential structure listed in Subsection E.5., it may be approved with a Special Use Permit in the G1, G2, and H districts or in a residential district on a property at least 2 acres in size with a non-residential use. Requirements are as follows:

- a. Communication Antennas may exceed the height limitation provided that no equipment shall exceed 15 feet in height as measured from the roof of a building, top of an architectural feature, or top of an Alternative Support Structure and a total height of seventy (70) feet above the ground.
 - b. The design of any Communication Antenna shall maximize use of building materials, colors, textures, screening, and landscaping that effectively blend the Communication Antenna with the surrounding natural setting and built environment.
 - c. No separate on-site support building is necessary for operation of the Communication Antenna, or any necessary support storage area is located underground.
 - d. Other equipment necessary for the operation of the Communication Antenna shall be relatively small and able to be mounted on or within the Alternative Support Structure and screened from view.
5. Small Wireless Antennas in Right-Of-Way or Utility Easement approved by Special Use Permit

A Small Wireless Facility that does not meet all the requirements to be a permitted use according to Subsection E.2. shall be allowed only with a Special Use Permit. This includes new or modified Utility Poles that exceed fifteen (15) feet in height above the tallest existing Utility Pole within a ¼ mile radius of the proposed Utility Pole or a height of 50 feet, whichever is greater. Applications shall be reviewed, as follows:

- a. All equipment necessary for the operation of the Communication Antenna shall be the same color as the Utility Pole or Alternative Support Structure and maintained the same color. Equipment shall be placed in a location to be unobtrusive to those who may view it (i.e., facing away from oncoming traffic or facing away from the roadway).
- b. New Utility Poles may be installed for the purpose of attaching a Small Wireless Facility or existing Utility Poles may be used and increased in height for the purpose of attaching a Small Wireless Facility, up to a maximum height of 70 feet.
- c. If a proposed pole height is above 70 feet, the Zoning and Planning Commission may grant a waiver to allow additional height upon good cause shown.
- d. To the extent not prohibited by applicable law, the provisions of this Sub-section shall not apply to Wireless Communications Facilities used by the City of Ladue; however, the City shall remain subject to the other requirements concerning special uses.
- e. All poles and equipment placed in the right-of-way must also comply with the right-of-way permitting requirements in Chapter 90 of the Ladue Code of Ordinances.

G. Temporary Communication Tower or Antenna

Temporary communication facilities will require a building permit and will be allowed in conjunction with a wireless facility application, as necessary, to avoid any gaps in coverage during review and installation of new wireless facilities, according to the regulations in this section.

1. A temporary communication tower or communication antenna and all associated equipment or attachments (“Temporary Antenna”) may be authorized by the City of Ladue in all zoning districts based on the following criteria:
 - a. Temporary Antenna shall be approved only in conjunction with a permanent facility and shall undergo the same approval process as the permanent facility for that location.
 - b. Facility is necessary to avoid a gap in existing service resulting from and related to an unanticipated occurrence or approved permanent replacement or relocation of an existing communication tower and/or antenna,
 - c. The Temporary Antenna is proposed to be located in a commercial zoning district or in a residential district on a non-residential lot of no less than two (2) acres.
2. The Temporary Antenna shall, as a condition of issuance of any building permit and other authorization for installation of a Temporary Antenna, be removed and the property restored to its original condition within thirty (30) days after completion of the permanent structure approved in conjunction with the Temporary Antenna, but in no event later than one hundred and eighty (180) days after its erection, as provided in the Building Code, unless extended by City Planner upon a showing of good cause necessitating extension not within the control of applicant

3. The application complies with all otherwise applicable building code and zoning requirements, including as applicable to communication antennas.
4. The proposed height, location, design, and appearance of the Temporary Antenna shall not materially detrimentally impact the view of the surrounding area, safety, or the surrounding property values or uses. The City Planner, Zoning and Planning Commission, and City Council, as applicable, may impose location, appearance or safety or other conditions as may be appropriate to address the temporary and unusual nature of the use and conform to the purposes of this Code.
5. In the event of an emergency, the City Planner and Building Department shall be authorized to review and approve a Temporary Antenna, as needed to maintain service. Compliance with other items in this section shall be required to the extent possible.

(Section VIII.G moved from Section VII and amended, per Ord. 2304)

H. Application Process and Requirements

- a. Applications for Wireless Communication Facilities shall be required along with the following information:
 - a. An application fee as stated on the application, but not to exceed such amounts as may be limited by law.
 - b. Applicants' and consultants' contact information as required on the form provided.
 - c. A site plan that indicates the exact location of the facility and existing and proposed improvements near the proposed facility, such as drives, walkways, parking areas, and other structures. Details on the site plan must be sufficient to determine compliance with setbacks and other requirements. Plan shall also indicate the location of all property lines, rights-of-way, the zoning categories of the subject and adjoining properties, and the coordinates and height AGL of the existing Utility Pole or other structure upon which the Antennas are proposed to be attached.
 - d. Specifications, dimensions, photos, and drawings of the completed installation.
 - e. Copy of the authorization for use of the property from the owner of the property on which the Wireless Communications Facility will be placed or attached, including the real property and the owner of any applicable Support Structure, Alternative Support Structure, or Utility Pole.
 - f. A structural report performed by a duly licensed engineer evidencing that the proposed structure can structurally support the Wireless Communication Facilities (or that such structure will be modified to meet structural requirements) in accordance with applicable Codes.
 - g. For any application for a Small Wireless Facility, the applicant shall provide an attestation that the proposed Small Wireless Facility complies with the volumetric limitations as required to meet the definition of a Small Wireless Facility in accordance with this Ordinance and pursuant to applicable law.

- h. All other information necessary to show compliance with the applicable requirements of this Section.
 - b. For wireless facility applications that require a Special Use Permit, applications submitted at least 25 days prior to a Zoning and Planning Commission meeting shall be placed on that meeting agenda. Applications for Special Use Permits shall be subject to the process and criteria in Section VII for approval of Special Use Permits.
 - c. For wireless facility applications that require an Administrative Permit, the Planner shall issue a decision on the application for a permitted use within 30 days.
 - d. A decision to deny an Administrative Permit or a Special Use Permit shall be made in writing and state the specific reasons for the denial.
 - e. Unless otherwise agreed to in writing by the City or prohibited by applicable law, material changes to an application, as determined by the City in its sole discretion, shall be considered a new application for purposes of the time limits required by applicable law.
- I. Removal of unused facilities
- When any antenna or Wireless Communication Facility shall no longer be *used for* its original communications purpose, the owner of such structure, or the last lessee, licensee, or user thereof, or the owner of the site on which the same is located shall be obligated, jointly and severally, at their expense to dismantle and remove promptly such Antenna or Wireless Communications Facility from its site.
- 1. The licensed telecommunications user of such Antenna or Wireless Communications Facility shall provide the city with a copy of the notice to the FCC of intent to cease operations thereon and shall have ninety (90) days from cessation of operations to complete the dismantling and removal of its equipment and the Antenna or Wireless Communications Facility from the site.
 - 2. After removal of facility/equipment, structure/site shall be returned to its original condition prior to installation of the Wireless Communications Facility.
 - 3. If the Antenna or Wireless Communications Facility is not removed, the city reserves the right at any time thereafter and after giving thirty (30) days written notice to the interested parties, to enter the property and remove the Antenna or Wireless Communications Facilities, to charge the costs to the last lessee, licensee, or user thereof or the owners, and to place a lien in the amount of the costs against the property of the owner of the site.

(Ord. 2273, August 2021)

SECTION IX. PLANNED UNIT DEVELOPMENT OVERLAY REGULATIONS

A. PURPOSE AND INTENT.

The purpose of the Planned Unit Development overlay is to provide a means of achieving greater flexibility in development of land in a manner not possible in the underlying zoning district; to encourage development of downsized luxury housing; to encourage a more environmentally sustainable development; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development.

A Planned Unit Development District overlay is not a rezoning of the property; only those uses permitted in the underlying zoning classification shall be allowed in a Planned Unit Development, except that residential is allowed in a commercial district in the Mixed-Use Development Overlay. Lot area, yard setbacks, lot frontage, lot width, and other requirements and regulations contained in the underlying zoning districts may be altered or amended as set forth in the authorized Planned Unit Development approval document. There shall be no increase in unit density in residentially zoned districts.

The City Council, upon receiving recommendations of the Zoning and Planning Commission, may by ordinance authorize a Planned Unit Development Overlay when the proposed development, redevelopment, or use of a specific tract of land warrants greater flexibility and control than is afforded under the general regulations of standard zoning districts. These Planned Unit Development regulations are not intended to make major changes to the types of non-residential land uses allowed in the residential and commercial zoning districts or allow 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 and the related planned unit development ordinance shall be strictly adhered to by the applicant.

A Planned Development Overlay may provide relief from zoning requirements designed for conventional developments at the discretion of the Zoning and Planning Commission and City Council in order to obtain the following objectives, as feasible on the site:

- 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. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities and lighting.
- c. Combination and coordination of architectural styles, building forms, and building relationships, possibly covering different phases within a single development project.
- d. Variation in the relationship of structures, open space, and height of structures in developments intended as cohesive, unified projects.
- e. Use of very high-quality site design, landscape, and architectural features to create a top-notch environment.
- f. Inclusion of special features.
- g. Functional and beneficial uses of open space areas, where practical.

- h. Preservation of natural features of a development site, where present.
- i. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- j. Preservation of historic and/or architecturally significant structures, where present.
- k. Elimination of deteriorated structures or incompatible uses through redevelopment and rehabilitation.
- l. Economic and rational development in relation to public services.
- m. Efficient and effective traffic circulation, both within and adjacent to the development site.
- n. Facilitated implementation of the recommendations of the Ladue Comprehensive Plan, where applicable.

B. PLANNED OPEN SPACE DEVELOPMENT OVERLAY

The City may, upon proper application, approve a Planned Open Space Development for a site of at least twelve (12) acres in any residential district to facilitate the use of flexible techniques of land development and site design.

(1) PUBLIC BENEFIT PERFORMANCE STANDARDS

A Planned Open Space Development shall provide public benefit as determined by the City Council, in consideration of the recommendation of the Zoning and Planning Commission. The public benefits to the City that are intended to be derived from the approval of a Planned Open Space Development shall include the following:

- (a) Provision of downsized luxury housing.
- (b) Provision for a cohesive phased development and minimization of environmental impact through improved overall site usage. Overall site usage may consider the sum of all bulk cut-and-fill required in the construction of the project. Improved overall site usage should result in more open space and reduced site coverage. Less intensive site usage can also reduce impacts on surrounding infrastructure including roads (lower projected traffic levels) and drainage systems.
- (c) Provision for an overall development density that has lower site impacts when compared to what would be allowable pursuant to the underlying zoning, by considering: increased permeable surface; increased area for on-site drainage; more open space including common ground; and reduced roof coverage. No increase in unit density from what would be allowable in any underlying residential zoning classification will be allowed.
- (d) Additional and substantial landscaping and green space provisions in order to buffer the development from neighboring residential areas.

- (e) Garage entryways that by virtue of their location, materials, and design blend with the architecture of the surrounding neighborhood.
- (f) Architectural elements consistent with the City's architectural guidelines as applied to residential developments of the size and scale proposed.
- (g) Extensive use of high-quality building materials on all elevations to add significant value to the property and benefit adjacent properties.
- (h) Variety of home design on adjacent lots and on lots across from each other.
- (i) Special design features within the development such as landscaping and gardens.
- (j) Provision of new public infrastructure including, but not limited to, streets, curbs, sidewalks, sanitary sewers, storm water sewers, and lighting.

(2) REQUIREMENTS SPECIFIC TO PLANNED OPEN SPACE DEVELOPMENT

- (a) The minimum overall site size of a Planned Open Space Development shall be at least twelve (12) acres. In order to determine the maximum number of units permissible for a residentially zoned site, consistency with the formula set forth in the Subdivision Code shall be maintained. The area calculated for the site after deductions made in accordance with the Subdivision Code, shall serve as the dividend (numerator) to be divided by the minimum lot size allowed for the particular underlying zoning classification. The quotient of this calculation, if not a whole number, shall be rounded down to the nearest whole number.
- (b) Property shall maximize the provision of open space to include high-quality landscaping and recreational opportunities, as appropriate.
- (c) Approval of permitted uses within a PUD district is subject to consideration as stated in the Purpose and Intent of the PUD regulations. The listing of permitted uses shall include all uses allowable pursuant to the underlying residential zoning classification.

C. PLANNED MIXED-USE DEVELOPMENT OVERLAY

The City may, upon proper application, approve a Planned Mixed-Use Development for any site in the G2 commercial zoning districts to facilitate the use of flexible techniques of land development and site design and encourage redevelopment.

(1) PUBLIC BENEFIT PERFORMANCE STANDARDS.

A Planned Mixed-Use Development shall provide public benefit as determined by the City Council, in consideration of the recommendation of the Zoning and Planning Commission. The public benefits to the City that are intended to be derived from the approval of a Planned Mixed-Use Development shall include the following, as feasible on the site:

- (a) Provision of downsized luxury housing.

- (b) Supports aging-in-place for older adults.
- (c) Creative site design and distinctive architecture that adds significant value to the property and benefits adjacent properties.
- (d) Special design features within the development, to include extensive landscaping and gardens.
- (e) Provision of new public infrastructure including, but not limited to, streets, curbs, sidewalks/paths, sanitary sewers, storm water sewers, and lighting.
- (f) Reuse and redevelopment of historic and/or architecturally significant structures, where present.
- (g) Sensitive environmental design and conservation of natural resources.
- (h) Provision of desired community services.
- (i) Provision of shared open space and/or recreation facilities.

(2) REQUIREMENTS SPECIFIC TO PLANNED MIXED-USE DEVELOPMENT

- (a) Mixed-Use Development shall include a mix of residential and non-residential uses.
- (b) The first floor of any building within 150 feet of a right-of-way shall contain commercial uses and a public entrance from the street.
- (c) Development shall abut at least one public street.
- (d) Uses in the Planned Mixed-Use Development shall be the same as those allowed in the underlying zoning district, except that residential use shall also be allowed. The specific intended uses within a Mixed-Use Development shall be stated in the Purpose and Intent of the PUD regulations and subject to approval by the Zoning and Planning Commission and City Council. If uses requiring a Special Use Permit are proposed, such use may be permitted by the Zoning and Planning Commission, with conditions, during the Planned Development approval process or may be listed in the overlay ordinance as uses allowed by Special Use Permit.
- (e) Minimum size of residential units shall be 1000 square feet.
- (f) To ensure a high-quality living experience, residential units shall be required to include the following:
 - i. Covered or underground parking. (No surface parking shall be allowed for residential units.)
 - ii. Green space and stormwater mitigation.
 - iii. Thoughtfully designed, covered entryway area.
 - iv. Private outdoor space, such as a balcony or garden. (If significant semi-private shared open space is provided, private outdoor space may be waived for some units, at the discretion of the Zoning and Planning Commission and City Council.)
 - v. Use of high quality, durable building materials, such as brick or stone, and thoughtful architectural design that considers building mass and

articulation, windows, roof forms, and landscaping.

- vi. High quality, customizable features and materials in residential units.
- (g) Maximum allowed height of buildings is flexible and depends on the proximity to residential uses. No building within 250' of property with a single-family residential use may exceed 3 stories or 45'.
- (h) Building setbacks may be flexible but shall be compatible with existing development on adjacent properties.
- (i) Parking spaces shall be evaluated according to Section VI of the Zoning Ordinance. As stated in Section VI, flexibility from the City's parking standards chart (Section VI. A.1) may be granted based on information submitted by the applicant, such as parking studies or evidence of shared parking opportunities.

D. RELATIONSHIP OF PLANNED UNIT DEVELOPMENT DISTRICTS TO THE ZONING MAP.

- (1) An overlay: The "PUD" designation is intended to be attached to existing use districts as an overlay. It may impose changes to any aspect of the underlying district except increases in unit density.
- (2) Plan approval required: No development or redevelopment of the property encompassed by the "PUD" designation shall take place until a specific acceptable development plan has been reviewed and approved in conformance with the requirements of this Section. Any pre-existing uses within the area encompassed by the "PUD" designation shall have the status of lawful non-conforming uses as outlined in Zoning Ordinance 1175, Section IV D, until such time as they are included in an approved development plan.

E. PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL.

- (1) Initial Application Requirements
 - (a) Pre-application meeting with Building Department and Public Works staff.
 - (b) An application in the form developed by the City for a planned unit development shall be filed with the nonrefundable PUD application fee of \$2,000.00.
 - (c) The application shall specifically identify any/all deviations with underlying zoning and why they are deemed to be necessary.
 - (d) A preliminary site plan shall be prepared and five (5) copies thereof shall be submitted to the City Clerk for staff review and comments.
 - (e) After the petitioner has received staff comments and made the appropriate revisions (if necessary) the petitioner shall then submit 15 copies of the Preliminary Development Plan for distribution to the Zoning and Planning Commission, City Staff, and City Attorney. A digital copy of the plans shall also be submitted to the staff and shall be posted on the City's website.
- (2) Content of the Preliminary Development Plan: Adequate information shall be developed, procured, and submitted by architects, engineers, and surveyors duly registered in the

State of Missouri and employed by the applicant to develop a preliminary development plan. The preliminary plan shall contain the following information:

- (a) Site and landscape plan: One or a series of maps shall be submitted (minimum scale 1": 50') including the following information:
 - i. A boundary survey or plat;
 - ii. Property lot lines and location, including dimensions, angles and size, and areas correlated with the legal description of said property. The site plan shall be designed and prepared by a registered Missouri professional engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s), and designer(s);
 - iii. Scale, north arrow, boundary dimensions, all natural features such as wooded areas, streams, rivers, lakes, drains, existing manmade features such as buildings, structures, easements, high tension towers, pipelines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, and drains and shall identify adjacent properties within one hundred eighty-five (185) feet of the property lines and their existing uses;
 - iv. Location, size, height, and setbacks of all existing and proposed structures (including all buildings, trash enclosures, fences, etc.) on the site and specific structures to be removed;
 - v. 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 curbs and guttering;
 - vi. Location, area, dimension, and number of proposed parking spaces, and drive aisles, as appropriate;
 - vii. Existing and proposed ground elevation contour lines at intervals of two (2) feet or less extended beyond the project site to include adjacent properties and structures;
 - viii. Location and species type of all existing trees over six (6) inch caliper as well as indication of woodland areas on the site, with identification of those to be removed per tree documentation and removal requirements in Chapter 102 of the Ladue Code of Ordinances;
 - ix. Proposed general use and development of common use spaces, including all recreational and open space areas, plazas, and major landscaped areas, and the general location and description of all proposed outdoor amenities (seating, lighting, etc.);
 - x. Location and approximate size of all proposed plant material by species, such as hardwood/deciduous trees, evergreen trees, flowering trees, shrub

masses, and types of ground cover (grass, ivies, etc.). All green areas, except wooded areas, shall be irrigated;

- xi. Location of all retaining walls, fences (including privacy fences etc.), and earth berms;
 - xii. Definition and location of any refuse collection containers including screening to be provided; and
 - xiii. Provisions for both on-site and off-site storm water drainage and detention related to the proposed development.
 - xiv. The scale of the drawing or drawings indicating the above shall be reasonably related to the site size; the complexity of the proposed development plan shall be proportioned such that it is easily legible so that the Commission may readily interpret it. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, property owner(s), a scale, a north arrow, and the date drawn.
- (b) Site and building sections: Schematic drawings shall be drawn to a scale of ¼": 1' or larger, indicating both existing conditions and internal grade changes in relation to principal variations of internal building levels and sight line relations to adjacent residences.
- (c) Architectural elevations: Architectural elevations of proposed buildings shall be provided at a reasonable scale but at least ¼ ": 1', or larger.
- (d) The applicant may be required to provide, at its expense, additional clarification and/or further detail of the preliminary plan, as deemed necessary by the City or the Zoning and Planning Commission.
- (e) Additional project data, as follows:
- i. Site area (square feet and acres);
 - ii. Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas, and others;
 - iii. Total dwelling units and floor area;
 - iv. Total number of non-residential units, proposed non-residential uses, and floor area;
 - v. Residential density distribution for the entire project; and
 - vi. Calculations of parking spaces and area.

- (f) Project report: A brief project narrative shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership or contractual interest in the subject site, and anticipated development schedule. At the discretion of the Zoning and Planning Commission and/or City Council, analysis by qualified independent technical personnel or consultants selected and retained by the City may be required as to the traffic impact, environmental impact, storm water and erosion control, etc., of the proposed development. These analyses shall be paid for by applicant.
 - (g) Phased development: If the planned development is proposed to be constructed in phases during a period extending beyond a single construction season, a development schedule shall be submitted indicating:
 - i. The approximate date when construction of each phase of the project can be expected to begin and be completed;
 - ii. The order in which the project phases will be built;
 - iii. The minimum area and the approximate location of common ground and public improvements that will be completed during each phase; and
 - iv. Any shared open space or public improvements that will not be constructed during the initial phase. Any such improvements shall be guaranteed to be completed within two years of the completion of the initial phase. The guarantee shall be in the form of a bond or irrevocable letter of credit in an amount determined by the Building Official and issued by a federally insured financial institution. Bond or letter of credit must be approved by the Ladue City Attorney.
- (3) Review procedure for preliminary development plan.
- (a) An application together with a complete preliminary development plan, including information as required in this Section shall be scheduled for presentation at the next available Zoning and Planning Commission meeting. Notices of the Zoning and Planning Commission meeting shall be sent to owners of record of all properties within one hundred eighty-five (185) feet of the parcel(s) included in the application.
 - (b) Staff review: The City Clerk shall coordinate a review of the application by appropriate affected City departments to determine its compliance with all applicable ordinances and regulations. A concise written report documenting the review and staff recommendations shall be prepared by the City Planner and submitted to the Zoning and Planning Commission.
 - (c) Architectural Review Board: To facilitate the review of the Preliminary Development Plan, the Architectural Review Board shall perform its duties pursuant to Sections 110-71 and 110-72 of the Code of Ordinances as part of the Preliminary Development Plan review. At this stage, the exterior elevations and

pro-posed materials shall be subject to review and approval by the Architectural Review Board. The Architectural Review Board will also review the site suitability of each proposed structure at the time of application for a building permit.

- (d) Landscape plans shall be reviewed by a Missouri licensed landscape architect (ASLA) retained by the City at the applicant's expense to help determine whether landscaping meets PUD requirements.
- (e) After consideration of the application and staff report, the Zoning and Planning Commission shall make a report to the City Council regarding whether the proposed plan adequately meets the public benefit performance standards and the requirements of this ordinance, as well as the impact of the proposed construction 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. 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.
- (f) The City Council shall hold a public hearing thereon upon at least fifteen (15) days' public notice. If the preliminary development plan is approved by the City Council, it shall adopt an ordinance approving a Planned Unit Development Overlay for said Preliminary Development Plan with conditions specified therein. Conditions may include but not be limited to, parking requirements, setback and height requirements, landscaping and green space requirements, lighting requirements, permitted uses, signage, screening and buffering, special features, and stormwater discharge and drainage.

(4) Review procedure—Final Development Plan:

- (a) Within nine (9) months following the passage of the ordinance approving the Preliminary Development Plan, the petitioner shall submit a Final Development Plan to the Zoning and Planning Commission and City Council 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 the Planned Development Ordinance for the proposed development. The Final Development Plan shall reflect the entire planned development if it is to be completed in one (1) phase or a minimum of the first phase of the planned development if it consists of more than one (1) phase. The Final Development Plan, in addition to the matters shown on the preliminary development plan, shall include the following:
 - i. The existing and proposed ground elevation contour lines at two (2) foot intervals;
 - ii. A landscape plan with the specific location of all plant material, specifying size, species, and location (including any landscaped buffer area around the perimeter as well as landscaping in the parking lot). A land disturbance

permit or grading permit will not be issued until all trees to be retained on the site are identified and appropriately protected for preservation.

- iii. All land uses and their square footage.
 - iv. All infrastructure improvements specifying location, size, elevation and design, none of which may significantly deviate from the approved development plan;
 - v. Sidewalks;
 - vi. All parking facilities;
 - vii. Plan for the provision of water, sanitary, and storm water drainage facilities;
 - viii. All easements and dedications;
 - ix. All other information that the Zoning and Planning Commission or the City Council may request, including where appropriate, information relating to signage, lighting, and trash disposal.
- (b) An application together with a complete final development plan shall be considered at the next available Zoning and Planning Commission meeting.
- (c) Staff review: The City Planner shall review the Final Development Plan for compliance and provide a concise report to the Commission of the findings of his/her review. The Building Official shall establish the dollar amount of any bond required by the City to assure completion of the improvements.
- (d) After consideration of the application and staff report, the Zoning and Planning Commission shall recommend approval, approval with conditions, or the denial of the Final Development Plan. The Final Development Plan shall conform to the Planned Unit Development Ordinance for the proposed development.
- (e) Upon the recommendation of the Final Development Plan by the Zoning and Planning Commission, the Final Development Plan shall be forwarded to the City Council for its approval or denial.
- (f) Following approval of the Final Development Plan by the City Council, a Mylar (recordable document meeting St. Louis County requirements for recording) shall be submitted to the City Clerk for review and signature confirming that the plan is the plan that was recommended by the City Council. The signed plan shall be recorded, at the applicant's expense, with the St. Louis County Recorder of Deeds. Two copies of the recorded plan shall be submitted to the City Clerk for permanent record with the City. Any bonds or letter of credit required to ensure completion of required improvements or

open space shall be completed and in place prior to recording of the Final Development Plan.

- (g) Issuance of residential building permits shall be subject to specific site approval by the Architectural Review Board.

(5) Amendments or changes to an approved development plan:

Should the City Planner determine that an applicant has proposed significant changes to an already approved Preliminary or Final Development Plan, an application for amendment shall be submitted to the City Planner who shall institute an administrative review by all affected City departments of the proposed amendments or changes.

A narrative summary of the proposed changes shall also be submitted. Notification of the proposed changes to the plan shall be sent to all property owners of record within one hundred eighty-five (185) feet of the parcel included in the application. This notification shall also include all property owners of record within the area subject to the approved development plan, if any. The results of this review shall be compiled and reported to the Zoning and Planning Commission for its consideration at the next available meeting.

Upon receiving the application for proposed amendments or changes to the development plan and associated documents, the Commission shall complete its review of the application either denying, approving, or approving with conditions. The application, supplemental documents and the Commission's action and reasoning shall be forwarded to the City Council as an informational item where it shall be their option either to require a further review and approval of the proposed amendments or changes to the development plan at the City Council level or concur with the Commission.

F. PERIOD OF VALIDITY.

The period of validity of approval of a Final Development Plan is as follows:

1. Approval of a Final Development Plan shall be valid for a period no longer than twenty-four (24) months from the date of approval unless, within such period a building permit, has been obtained and construction commenced.
2. The City Planner may grant extensions not exceeding six (6) months each upon written request of the original applicant as long as the project remains substantially the same as the initially approved Final Development Plan. If extensions exceed a total period of one year, any additional extensions require approval by the Zoning and Planning Commission. The Zoning and Planning Commission may impose conditions on such approval.
3. At such time as the period of validity of an approved Final Development Plan lapses, the Final Development Plan and all uses, terms, and conditions thereof shall be considered null

and void. No further development of the site shall be permitted except by application in accordance with the procedural requirements of this Section, whereby it shall be considered an entirely new application.

(Ord. 2330, June 2023)

SECTION X.**COMMERCIAL AND LIGHT INDUSTRIAL ADDITIONAL REGULATIONS****SITE DEVELOPMENT PLAN REVIEW****A. Applicability of Section IX**

- (1) An approved Site Development Plan is required for the development or redevelopment of all parcels in the G1-Commercial District, G2-Commercial District, and the H-Light Industrial District. The purpose of Site Development Plan review procedures for commercial and light-industrial developments is to enable the City to consider potential impacts upon the property, the area in the vicinity of the property, and elsewhere, consistent with good planning practice, and to require the use of high standards of site and building design for the general welfare of the City and its residents. *[Ord. 1595]*
- (2) As used in this Section IX, the term "development" means the erection of a new building or structure on a parcel, and the term "redevelopment" means the enlargement, reconstruction, or structural alteration of an existing building or structure on a parcel affecting more than twenty percent (20%) of the square foot area of such building, structure, or parcel. "Redevelopment" shall also apply to the re-occupation of a commercial structure that has been un-occupied for a period of at least one year.
- (3) The procedures and requirements contained in this Section IX are in addition to the procedures and requirements contained in other sections of the Zoning Ordinance which shall remain applicable to the parcel for which the application is filed. In case of conflict between the general provisions and district regulations of the Zoning Ordinance with provisions of this Section IX, the more restrictive requirement shall control unless the context shows otherwise.

B. Application, Review and Approval of a Site Development Plan

- (1) The procedure for obtaining approval of a Site Development Plan includes:
 - (a) Submittal of a Concept Site Plan or a Site Development Plan to the City, accompanied by a signed application.
 - (b) Review and comments by City departments;
 - (c) Filing of a Site Development Plan (if not previously filed) for similar review;
 - (d) Submission of the Site Development Plan and comments to the Zoning and Planning Commission;
 - (e) Review by the Zoning and Planning Commission and submittal of recommendations to the City Council;
 - (f) Final action by the City Council on the application.
- (2) The application for review and approval of the Site Development Plan shall be filed on a form supplied by the Building Department and shall be accompanied by a Concept Site Plan or Site Development Plan as described in parts C and D of this Section. Application may be made by the owner or by any person with a contractual interest in the property. Written consent of the owner shall be filed with, or evidenced upon, the application. All owners must

join in consent if more than one. The required fee shall be paid at the time of filing the application.

- (3) Upon receipt of an application completed in satisfactory form in compliance with this section, as determined by the City Planner, the City Planner shall deliver a copy of the application and accompanying papers, including the Concept Site Plan or Site Development Plan to the City's Fire Department, Police Department, and Public Works Department for their review and written comments on the impact of the proposed development on health, safety, traffic, public services, or facilities and other relevant considerations, on both the area of the project, and other areas of the City which may be affected. Such comments shall be sent to the applicant by the City Planner.
- (4) If a Concept Site Plan has been filed, the applicant, after receipt of comments on such Plan, shall file a Site Development Plan, as set forth in part D, with the Building Department.
- (5) A meeting shall be scheduled for the Zoning and Planning Commission to review the Site Development Plan. The Commission may request further comments from the City departments and the City Planner and shall hold one or more meetings as needed to review the Plan and to determine its recommendations. The Commission shall recommend to the Council approval or disapproval of the application in a written report which may include specific conditions or requirements which the Commission deems appropriate and consistent with the Zoning Ordinance and this Section.
- (6) Upon receipt of the recommendation of the Commission, a public hearing shall be scheduled for the City Council to make the decision to approve or disapprove the Plan, with or without conditions, at such hearing or at a subsequent meeting of the Council.
- (7) The Commission, in determining its recommendation, shall consider:
 - (a) all relevant information, including the comments of the City officials, the Plan's consistency with good planning practices, compliance with this Section IX and district regulations, its compatibility with adjacent developments and uses, and its effect on the health, safety, morals, and general welfare of the residents of the area in the vicinity of the property subject to the Plan and upon the residents of the City generally;
 - (b) the likely effect of the Plan on vehicular or pedestrian traffic, fire hazards, fire, police, and utility services, municipal expenditures, surface water drainage, and control facilities and environmental aspects.
- (8) In deciding whether or not such application should be approved, the Council shall give consideration to the recommendation of the Zoning and Planning Commission and to the factors stated in paragraph B-(9) above. The favorable vote of three-fourths (3/4) of all the members of the City Council in office shall be necessary to approve a Plan which the Commission has disapproved.
- (9) Approval of a Site Development Plan shall be valid for a period of twelve (12) months from the date of approval by the Council. If no building permit is obtained during that period, the approval shall terminate. The Council may grant extensions of time not to exceed twelve (12) months each, upon written request of the applicant for a substantially similar plan, provided that the request is filed prior to the expiration date. Extension fee shall be required according to City policy. The Council may attach new conditions when an extension is granted. If, in the opinion of the Council, the application contains substantial changes to the originally

- approved plan, a new Site Development Plan review process must occur, including payment of a new application fee.
- (10) Buildings, structures, landscaping, and other improvements shall be constructed, installed, and maintained in accordance with the Site Development Plan approved by the City Council. Such approval shall not affect the requirement for submission of plans to the Architectural Review Board as provided in Section XIV of the Zoning Ordinance. It shall be the duty of the owner of the property to maintain all such improvements.
- (11) Site Improvement Costs
- (a) The applicant must submit an engineer's estimate of site improvement costs for review and approval by the City of Ladue. Based on this approved amount, the applicant must submit an escrow agreement, a letter of credit, or a site development bond covering the entire cost of site improvements prior to issuance of any construction permits to assure completion of the site improvements.
- (b) Such financial guarantee shall be enforceable by or payable to the City in an amount equal to the estimate cost of all the site improvements (streets, curbs, sidewalks, storm and sanitary sewers, grading, and landscaping for the entire project).

C. Content of the Concept Site Plan

- (1) A Concept Site Plan, if filed, shall include the following:
- (a) The location of the parcel in relation to surrounding uses, buildings, and zoning.
- (b) The location of the parcel in relation to major arterials and/or highways, and any roadways or drives connecting the parcel to those major thoroughfares.
- (c) The boundaries, dimensions, and area of the parcel.
- (d) The proposed use and development of the parcel, including principal and accessory uses.
- (e) The location and size of each existing structure on the parcel.
- (f) The footprint of each proposed building or structure on the parcel.
- (g) The height and number of stories of proposed buildings and structures.
- (h) The amount of land area covered by buildings, structures, drives, and parking facilities.
- (i) The ratio of floor area to land area (FAR).
- (j) A scale for all drawings shall be no smaller than 1" = 50'. The drawings shall contain the project name, street names, a scale, north arrow, and the date drawn.

D. Content of Site Development Plan

- (1) A Site Development Plan shall include, but not be limited to:
- (a) All necessary information, drawings, and maps for a determination whether the proposed use and development meets with district requirements, and for an assessment of the impact of the proposed development on public and private services and facilities, both on-site and in adjacent areas of the City, and the items in Section IX-B-(7).
- (b) All information required by Section IX-C-(1) for a Concept Site Plan.

- (c) The proposed use and development of the parcel, including principal and accessory uses, with special attention to open space, plazas, landscaped areas, and all buffering from adjacent uses.
 - (d) The form of proposed buildings and structures, including plan and elevation views and a description of proposed building materials.
 - (e) The location of all existing trees over six (6) inch caliper, with an indication of trees to remain and those to be removed.
 - (f) A landscape plan, including a detailed drawing to scale and a corresponding schedule of all plant material to be provided, including the size, location, type, and method of planting trees, shrubs, and ground cover.
 - (g) Inclusion on the landscape plan, if applicable, of site improvements such as walls, berms, fences, walkways, street furniture, and lighting elements.
 - (h) The location, general design, and width of existing and proposed driveways and curb cuts.
 - (i) The location, area, and number of proposed parking spaces, including indication of the number and location of accessible parking spaces.
 - (j) The location and size of loading areas.
 - (k) Existing and proposed site grades at a minimum of two (2) foot contours.
 - (l) The location and general size of proposed stormwater control facilities.
 - (m) The location and size of existing and proposed utilities, including water, sanitary sewer, gas, and electric.
 - (n) The location of refuse collection facilities and related screening.
 - (o) The type, size, and location of all signs.
- (2) The scale of drawings shall be related to the size and complexity of the site, but in no case shall be smaller than 1" = 50'. All drawings shall contain the project name, applicant's name, street names, a scale, north arrow, date drawn, and seal of a licensed registered architect and/or engineer in the State of Missouri.
- (3) Additional information or further details may be required by the City's Zoning and Planning Commission or City Planner when determined to be applicable to showing compliance with this Section IX. Possible additional information includes, but is not limited to, elevation sections of buildings, report on project features, anticipated project schedule or phasing schedule, floodplain study, hazardous waste site audit, environmental impact study, and traffic impact study.

E. Design Standards

- (1) The following design standards apply to parcels being reviewed under this Section IX in addition to the applicable district requirements. All standards referred to herein are requirements which must be complied with in the Site Development Plan and in the actual development or redevelopment, pursuant to the approved Plan.
- (2) Intensity of Use. These standards, along with height requirements, ensure that buildings and sites reflect a high quality, environment that integrates well into the character of the surrounding area. These specific requirements in a and b of this Section may be waived or

modified by the Zoning and Planning Commission and City Council for any commercial property less than 2 acres in size, as necessary to better meet the intent of this Section.

- (a) Maximum Floor Area Ratio (FAR) of 0.4 (one square foot of floor area per every two and one-half square feet of site area).
 - (b) The amount of the parcel which may be covered by buildings, structures, parking, walks, and access ways shall not exceed seventy (70) percent. If a parcel lies both within and without the City of Ladue, the maximum permissible coverage of the portion thereof in the City of Ladue shall not exceed seventy (70) percent. *[Ord. 1595]*
- (3) Stormwater and Erosion Control. All developments must comply with the requirements in Chapter 110, Article IV of the Ladue Code of Ordinances regarding erosion and stormwater control.
- (4) Landscaping and Screening. Standards for landscaping will be evaluated according to Chapter 102 of the Ladue Code of Ordinances and the requirements of this Zoning Ordinance, giving special attention to Section VI regarding buffering and screening of parking areas. The Zoning and Planning Commission may use their discretion when applying the regulations in Section VI in order to better meet the intent of this Section.
- (5) Pedestrian accommodations shall be required adjacent to rights-of-way as specified by Ladue City Plans relating to Sidewalks/Bikeways and/or the ADA Transition Plan. If no existing Plan applies to the location of the proposed Site Development Plan, sidewalks with a minimum width of 6 feet shall be required along adjacent rights-of-way, at the discretion of the Zoning and Planning Commission and City Council.
- (6) Parking and Traffic
- (a) Parking shall comply with Section VI of this Zoning Ordinance. The Zoning and Planning Commission may allow for some flexibility from Section VI when deemed necessary to better meet the intent of this Section.
 - (b) All entrances and exits to parking and loading areas from a public right-of-way shall be subject to specific approval in a Site Development Plan, in order to ensure safe circulation of vehicles. In no event shall parking or loading spaces require or permit the backing of vehicles into public rights-of-way.
 - (c) The Zoning and Planning Commission or City Council may require a traffic study, parking count study, and/or access management plan as defined by FHWA, as needed to determine the effect of the proposed use on traffic, parking, and vehicular safety. Such studies shall be prepared by a qualified traffic engineering professional. If any such study is submitted, the Zoning and Planning Commission or City Council may require an analysis of such submittals which shall be prepared by a separate qualified traffic engineering professional selected and engaged by the City and paid for by the applicant.

(Section IX replaced per Ord. 2304)

SECTION XI. PLANNED DEVELOPMENT DISTRICT

A. Statement of Purpose.

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features quality architecture and building materials. This option is only for situations in which none of the base zoning districts address the type of development or site planning proposed. Examples include large-scale, master-planned developments that include a variety of uses in a functionally integrated mixed-use setting.

In addition, the PD District is intended to achieve the following objectives to the extent reasonably practical, except where topographical, environmental, or regulatory issues limit or prohibit them:

1. Promotion of green building technologies, low-impact development techniques for stormwater management, and other measures that encourage sustainable development.
2. Promotion of pedestrian and bicycle connections and related accessories, such as bike racks.
3. Conservation of open space, natural resources (e.g. waterways, woodlands), and natural topography through the careful and sensitive placement of buildings and facilities.
4. Preservation of historic structures, where present, and/or natural features.
5. Provision of parks, trails, and similar features.
6. Facilitation of quality development that is consistent with the goals, objectives, and recommendations of the Comprehensive Plan.

B. Specific Requirements.

The requirements for all PD Districts are listed below. Compliance with these requirements will be determined by the Zoning and Planning Commission and City Council based on the application and information/studies/documentation submitted by the applicant.

1. General Requirements.

- a. The minimum acreage for a PD District is 40 acres and the property shall be contiguous with the municipal boundary of the City.
- b. Development supports the goals and objectives of the Ladue Comprehensive Plan.
- c. The development will not overburden municipal services throughout the City such that the general quality of services throughout the City would be reduced.
- d. Unless otherwise already accepted, the streets and sidewalks of the development shall remain private and the maintenance responsibility of the development. The facilities shown on the General Development Plan shall be owned by the district with the maintenance responsibility of the same on the district except under certain circumstances an agreement for the City to maintain the trails of the district may be agreed upon by the City Council. The district shall be subject to covenants and restrictions, or other mechanism established for funding and maintenance, which must be prepared by the applicant and shall be recorded after submittal to

the City and City determination that the same are in compliance with the requirements of the zoning ordinance and the specific PD District.

- e. The trails and associated community amenities may be accessible to the public, contingent upon execution of an agreement between the impacted property owners and the City that outlines development costs and maintenance responsibilities.
- f. The site shall be subject to at least one of the following conditions:
 - i. Site includes challenges such as steep topography, waterways, floodplain, soil conditions, and/or other regulatory conditions; and/or
 - ii. Site is challenging because of an existing development on the site.

2. Land Use.

- a. Permitted uses and special uses listed in the G1 zoning district shall be permitted uses in the PD District.
- b. Residential density may not exceed 4 units per acre.
- c. District shall include a mix of residential, retail, office, restaurant, other commercial uses, and open space/ recreational uses. There shall be a significant residential component that may include a variety of housing types, as allowed herein. Use categories shall be indicated and described on the General Development Plan.
- d. No single tenant retail space may exceed 10,000 usable square feet.
- e. Office buildings may, but are not required to, include a few retail or service-oriented uses.
- f. Opportunity for regulatory flexibility – If the development is addressing the identified need of downsized luxury housing, the maximum density may be exceeded, as follows:
 - i. Single-family residential units that exceed the maximum density, such as townhouses and attached and detached villas, may be considered if the following criteria are satisfied:
 - 1. Buildings shall not exceed 3 stories in height and 45’.
 - 2. Pedestrian amenities shall be provided along all streets to include sidewalks, decorative crosswalks, and benches to be located at frequent intervals.
 - 3. Access to gardens, fully-accessible paths, outdoor seating areas, and other amenities, such as pocket parks or shade structures shall be provided.
 - 4. Public areas, community amenities, and retail or service-oriented commercial spaces in the development shall be designed to be in accordance with ADA regulations.
 - 5. Each unit shall have a separate entrance leading to the street.
 - 6. Density may not exceed 10 units per acre in the area designated for that type of residential use.

3. Building Height and Setbacks.

- a. Minimum building setbacks shall be consistent with those currently existing in Ladue, with the expected minimums to reflect the E1 district for residential portions and G1 for commercial areas, as shown in the following table:

	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
Residential Uses	25 feet	10 feet	30 feet
Commercial Uses	20 feet	5 feet	30 feet

- b. Building height shall not exceed the 45' maximum height allowed in the City of Ladue, except as may be allowed in this Section.
- c. Opportunity for regulatory flexibility regarding building height – One (1) office building in the PD District may exceed the 45' height limit, but only if the following conditions are met, as determined by the Zoning and Planning Commission and City Council based on the application and information/studies/documentation submitted by the applicant:
- i. Building shall not exceed 65', excluding mechanical equipment.
 - ii. All rooftop mounted mechanical equipment will require screening, subject to the approval of the Architectural Review Board (ARB). ARB may require certain setbacks for the rooftop equipment based on the building orientation or particular types of screening. In addition, the mechanical equipment shall be designed to minimize noise.
 - iii. The scale, massing, and location of the new building is in harmony with other structures within the PD District.. Appropriate sections should be provided at agreed upon intervals. Site cross-sections or other graphic representations should be provided to demonstrate the relationships of proposed new buildings.
 - iv. Building creates or retains employment opportunities.
 - v. Building shall meet the minimum setbacks for the G1 zoning district and shall be located at least 30' from any area designated for residential use within the City.
- d. Opportunity for regulatory flexibility regarding building setbacks – Commercial and residential setbacks may be reduced, subject to the following:
- i. The community is designed with the needs of the pedestrian in mind and provides walkability throughout the district to the extent practical.
 - ii. Reduced setbacks enhance the character and identity of the community by providing continuity of the streetscape throughout the community, to the extent practical.
 - iii. Due to reduced setbacks, the appearance of the buildings could dominate the appearance of the street, which will require special attention to quality and design to create a walkable attractive neighborhood. Front-facing

garages should be avoided if possible. Garages in residential areas should be oriented away from the street and paved surfaces shall be minimized and/or enhanced. In order for front-facing garages to be given consideration, their design must strictly adhere to the Architectural Review Board guidelines, which provides specific guidance on garage design. To avoid the monotone gray appearance of concrete, variations in hardscape materials, colors, and textures shall be used.

4. Pedestrian Amenities, Beautification, Landscaping, and Signage.

- a. A pedestrian and bicycle trail/ greenway shall be provided through the area of the development and must be connected and accessible to all parts of the development.
- b. Landmark trees shall be preserved to the extent reasonably practical taking into consideration environmental or topographical concerns or limitations. Landmark trees located within a regulatory floodway that obstruct flow are not required to be preserved. Trees that are identified to be preserved shall be protected in accordance with the tree protection requirements outlined in Article III of Chapter 102.
- c. Development shall contain landscaping that meets the landscape design principles described in Article IV of Chapter 102 of the Code of Ordinances.
- d. The built form and streetscape should provide an attractive, safe, and comfortable pedestrian environment, while maintaining the overall visual cohesiveness of the area by using similar infrastructure, directional signage, or other features. The visual effect of surface parking along roadways within the development shall be minimized to the extent reasonably practical via the use of landscaping and screening. Safe pedestrian routes, that separate the pedestrian from vehicular traffic wherever possible, should be provided to all residential, retail, and office uses. This shall be accomplished through the use of landscaped islands and medians.
- e. Development shall provide sidewalks and landscaping, such as street trees, on all streets within and around the perimeter of the district, unless it is determined that this would be inappropriate in certain areas, for reasons such as the use of the adjacent properties or environmental or topographical challenges.
- f. If the total square footage of an office building on the site exceeds 80,000 usable square feet, amenities shall be required for building users, such as sidewalks, outdoor break area with shade trees, garden areas, seating areas, and pedestrian connections to potential commercial/ restaurant and recreation space.
- g. District shall include a focal point/gathering space for the community or other facility to promote community cohesion. This must be connected and accessible to all parts of the development.
- h. District shall include community park spaces or garden areas. Usable park or garden space shall be provided at a rate of 1 acre per 50 residential units. Smaller pocket parks with shade trees and benches are encouraged to make up a portion of the park space. Trail greenways shall be included in the park space requirements but should include only areas that may be accessed by trail users (not the area of a waterway, for instance).
- i. District shall include elements for beautification of community areas to include site features, such as landscaping, water features, lighting, site furniture, or other amenities within common areas.

- j. District shall include pedestrian amenities to include a sidewalk width of at least 6' as well as a minimum 3' buffer between sidewalk and curb. The 3' buffer shall be designed to accommodate street trees and landscaping as well as other pedestrian amenities such as bike racks, benches, or similar amenities. Crosswalks shall be included in higher traffic areas with textured pavement and signage. Benches shall be provided in areas that are likely to have high pedestrian traffic, such as areas near gathering spaces or near commercial or mixed-use areas.
- k. District shall include a signage package that creatively integrates the design of signs with the design of the buildings on which they will be displayed and with the surrounding area. Signage shall be comprehensive, complementary, and unified throughout any Specific Implementation Plan. In order to encourage superior design, quality, and character, flexibility from standard signage requirements can be applied, but only if the signs described in the sign package are appropriately related in size, shape, materials, lettering, color, illumination, and character and function to the building and site on which they will be displayed. The signage package shall be reviewed based on the physical impact and location of the proposed signage, with special attention to sign quality, sign size and placement, total number of signs, light spillover from signs, and sign height. Once a sign package is approved for a Specific Implementation Plan, individual lots within that subdivision may not submit a separate sign package. Additionally, freestanding pole signage is strictly prohibited.

5. Open Space and Stormwater Management.

- a. Development shall provide desirable open space to the PD District. At a minimum, open space shall constitute 40% of the total acreage of the PD District. Open space shall include all landscaped areas including lawns, natural areas, creeks, bio-retention basins, landscaped retention basins, and other BMP's included in the stormwater management plan for the development.
- b. Stormwater runoff shall comply with the City's stormwater requirements. Approval from the Metropolitan Sewer District shall also be required.

6. Traffic, Connectivity, and Parking.

- a. Development shall not create traffic or parking demands disproportionate to the improvements designed to meet those demands. A traffic study, parking count study, and access management plan as defined by FHWA shall be required to demonstrate compliance with this requirement. The study area may include analysis of the surrounding roadway network up to a distance that the City may reasonably require.
- b. Streets shall be designed to connect to the larger community in each cardinal direction, except where environmental or physical constraints make this infeasible. It may be determined that street connections are inappropriate for reasons such as safety and traffic.
- c. Parking facilities shall be designed to accommodate the minimum parking requirements in the zoning ordinance.
- d. Any surface parking facilities designed to hold at least 20 vehicles shall comply with the following:
 - i. Pedestrian crosswalk areas through the parking area shall utilize materials that are architecturally distinct with a color differentiating that area from the pavement.

- ii. Parking spaces shall be set back from the roadway by at least a 10-foot landscaped buffer.
 - iii. Any parking lots adjacent to single family residential uses shall be buffered by a landscaped strip at least 10 feet in width.
 - iv. Landscaping shall make up at least 15% of all parking areas, which shall include buffer areas and internal islands.
 - v. Landscaped islands are encouraged to contain a variety of planting materials, which shall be provided at the end of each full parking aisle. Landscaping strips or medians shall be encouraged between rows of parking to provide more room for plants and provide for pedestrian access and walkways, where practical. This also reduces the visual impact of a large uninterrupted paved area.
- e. Parking facilities for all uses, except for single-family residential, shall be encouraged to be shared among users of the development.
 - f. Structured parking may be used for any area in which the required parking would exceed 100 spaces. The visual effect of such structure shall be mitigated through the use of landscaping and setbacks, as well as strategies that take advantage of the natural topography of the site.
 - g. Office buildings 20,000 square feet or larger may determine the amount of usable square footage for the purposes of determining parking requirements. This may be calculated by subtracting out the common lobbies, corridors, elevators, stairs, and other spaces not used as office space from the overall size of the building or by using a standard percentage that assumes 85% usable space.
 - h. Opportunity for regulatory flexibility regarding parking -- Flexibility may be exercised given the following conditions:
 - i. Street parking spaces may count toward required parking spaces.
 - ii. Submittal of one or both of the following to justify reduced parking:
 - 1. A parking management plan has been developed to encourage the most efficient use of the available parking. For example, office buildings might be encouraged to develop carpools, flexible work schedules, or other strategies to minimize the number of cars on the site at peak times.
 - 2. A parking study shows that providing shared parking throughout the General Development Plan will reduce the overall number of required parking spaces or that the study indicates that the use provided will not require the number of parking spaces required by the zoning code. Signage shall be required to help direct users to the available parking spaces on the site.
 - iii. Development includes bicycle facilities, such as bike racks located at each non-residential building and along the trail..

C. Process for Approval.

A PD District shall be created through the rezoning of the subject property. The requirements of this Subsection must be met and follow the process for a zoning map amendment.

1. Pre-Design Conference. Before filing a formal application, the applicant shall meet with City staff to review and discuss aspects of the proposal including, but not limited to: the subject property and its context, potential impacts of the proposed PD District, potential proposed uses, initial design direction, and the requirements and goals of the proposed PD District.
2. Pre-Application Requirements.
 - a. Before filing a formal application, the applicant shall provide sufficient information to the City Staff to demonstrate that the proposed PD District and development meet the basic requirements for a PD District including that:
 - i. The proposed district is at least 40 acres in size;
 - ii. The proposed district is contiguous with a municipal boundary of the City;
 - iii. The proposed district will have mixed-uses in accordance with the requirements of this Section;
 - iv. The proposed district and pattern of development cannot be achieved under a base zoning district; and
 - v. The proposed district is in compliance with the City's Comprehensive Plan.
 - b. Applicant shall also submit a letter of intent describing the general character of the intended district and development. Statement should include total square footage and density of retail, office, restaurant, other commercial uses, residential uses, and open space/recreational uses.
 - c. The applicant may submit a concept plan to demonstrate such compliance.
 - d. The City Planner shall evaluate the request for consistency with the purpose and content of this Section. The City Planner shall then forward the request and his/her report to City Council for referral to the Zoning and Planning Commission.
3. Submittal of an Application. Once the pre-submittal requirements have been satisfied and the application has been referred to the Zoning and Planning Commission, the applicant may file with the Building Department an application for the subject property to be rezoned as a PD District and for approval of a General Development Plan for the proposed district. The applicant shall provide a certain number of copies of the application and attachments to the same as may be reasonably required by the City Staff to facilitate City review of the same. The application shall be on a form provided by the City and include the following information/documentation:
 - a. Application fee of \$2,500.
 - b. Legal description and depiction of the proposed PD District.
 - c. General Development Plan. The General Development Plan must be sealed by a registered professional engineer or architect licensed by and in good standing with the State of Missouri. The applicant shall file the following along with the General Development Plan:
 - i. Proposed zoning text, including a description of the proposed land uses, their approximate square footage, density, height, setbacks, and parking requirements, and other relevant standards in compliance with the requirements of this Section. This shall include a list of amenities that shall serve the district in compliance with this Section.

- ii. A plan or plans showing existing conditions of the proposed district area including the topography of the land, location of floodplain areas, streets, lots, structures, driveways and paved areas, watercourses, sewers, water mains, and other utilities.
- iii. General description of building types.
- iv. A plan or plans showing the proposed placement of all potential buildings and structures and the general location of parking facilities, streets, walkways, park space/green space, and proposed amenities, including focal gathering space or other facility to promote community cohesion, to serve the proposed district.
- v. Location of the trail, sidewalk, and vehicular systems through the district, including how they relate to the district and connect the proposed amenities
- vi. Traffic study, parking count study, and access management plan as defined by FHWA as directed by the City after a scoping meeting. Such studies shall be prepared by a qualified traffic engineering professional. At the expense of the applicant, the City shall require an analysis of such submittals which shall be prepared by a separate qualified traffic engineering professional selected and engaged by the City at the cost of the applicant.
- vii. An estimate of the likely phasing indicating the approximate dates when construction of the PD District may be expected to begin and be completed.
- viii. Rendering of typical streets showing width of road and sidewalks, landscaping, and other amenities.
- ix. Preliminary landscape plan for the district depicting areas of landscaping and areas that are likely to remain undisturbed. A preliminary plant and tree palette shall be provided.
- x. Preliminary stormwater management plan.
- xi. When requested, a general outline of intended organizational structure related to PD District owner's association including covenants and restrictions, or other mechanism established for funding and maintenance.
- xii. Any other information or documentation reasonably required by the City Planner to make possible the evaluation of the standards for approval as set forth in Subsection 4 below and compliance with this Section.

4. Decision on General Development Plan.

- a. The Zoning and Planning Commission shall be responsible for recommending to the City Council approval, approval with conditions, or denial of the General Development Plan and rezoning. Approval of the General Development Plan shall also constitute approval of the rezoning of the subject property to PD District in accordance with the approved General Development Plan. The following items shall be considered during this process:
 - i. Compliance with the specific requirements of this Section, including:
 - 1. Whether the proposed district meets the purposes of and, to the extent reasonably practicable, the objectives of the PD District, as stated in Subsection A of this Section.
 - 2. Whether the proposed district meets the requirements of Subsection B.

3. Whether the proposed district includes a reasonable proportion of mixed uses and is otherwise in compliance with this Section.
 4. Where flexibility is requested, the extent the district meets the requirements of the specific flexibility sought in compliance with Subsection B of this Section.
- ii. The effect the requested rezoning and General Development Plan will have on the health, safety, and general welfare of the City residents of the area, including the effect on:
 1. Traffic in the streets;
 2. Municipal services and expenditures;
 3. Character of the district and property values in the area; and
 4. General suitability of the subject property in question for the proposed PD District.
- b. Upon receipt of Zoning and Planning Commission's recommendation, the City Council shall hold a public hearing to review the General Development Plan and rezoning request. The City Council shall review the criteria in Subsection 4.a above and the Zoning and Planning Commission's recommendation and may either approve, approve with conditions, or deny the General Development Plan and rezoning.
 - c. Approval of the rezoning and related General Development Plan shall establish the permitted uses for the PD District; the approximate square footage, height, and setbacks of such uses; infrastructure; and other relevant requirements in compliance with the requirements of this Section and shall be recorded against the PD-zoned property.
 - d. Approval of the General Development Plan and rezoning shall not allow any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.
 - e. If the General Development Plan and rezoning ordinance is not recorded within twelve (12) months of the date of approval, the approval shall be null and void and a new application and approval process shall be required. Any PD District not substantially complete within ten (10) years of the City Council approval of the General Development Plan shall require approval of an extension or a new General Development Plan by the City Council following a recommendation by the Zoning and Planning Commission. In considering extensions of an approved General Development Plan or a new General Development Plan for unconstructed components/phases, the Zoning and Planning Commission and City Council shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the development incompatible with current conditions.
5. Submittal of the Specific Implementation Plan.
- a. Upon approval of the General Development Plan and rezoning, the applicant may prepare and submit a (or multiple, if in phases) Specific Implementation Plan(s) for the development or portion of the development in accordance with the General Development Plan and phasing schedule, if any, for the overall PD District. The following shall be submitted to the Zoning and Planning Commission, unless specific documents are waived by the City Staff:

- i. Application and fee of \$1,500.
- ii. Description of the area covered by the Specific Implementation Plan, including the relationship to the overall General Development Plan if developed in phases.
- iii. Detailed lot layout and preliminary subdivision plat, in accordance with the platting requirements in Chapter 94 of the Ladue Code of Ordinances.
- iv. Detailed layout of the streets, walkways, driveways, parking facilities, and mitigation measures in accordance with the General Development Plan.
- v. The specific design and complete architectural character of the buildings, any structure greater than 100 square feet, and the overall layout of the site included on the Specific Implementation Plan. To satisfy this requirement, applicant shall submit exterior elevations, building materials, and other information as required by Chapter 110 of the Code of Ordinances which outlines submittal requirements for the ARB. The ARB shall review the Specific Implementation Plan and accompanying required information to make a recommendation to the Zoning and Planning Commission with specific findings, requirements, and conditions for architectural standards for each such building type. The ARB shall review the Specific Implementation Plan with guidance from the Architectural Review Board Guidelines and any requirements stated in the General Development Plan Ordinance. This recommendation from the ARB shall be reviewed and approved by the Zoning and Planning Commission and City Council and included in the Specific Implementation Plan approval ordinance. The ordinance may include copies of the specific elevations that the ARB has approved in addition to the architectural standards for each building type.
- vi. Locations and design details of the utilities serving the PD District, including sanitary sewer and water mains.
- vii. Grading plan and stormwater management plans. Stormwater and erosion control plans must be submitted in compliance with Section 94-115 of the Ladue Code of Ordinances as well as Chapter 110, Article IV of the Ladue Code of Ordinances and meet all requirements of those Sections.
- viii. Location and design details of all amenities.
- ix. Detailed signage package plan with site plan and construction details, specifically including the following:
 1. Site plan indicating location, orientation, type, and number of signs;
 2. Dimensions, height, square footage, and elevations for each sign type;
 3. Description of construction materials and colors;
 4. Illumination details including level, color, and type;
 5. Landscaping of signage areas; and
 6. Narrative outlining compliance with the requirements outlined in B.4 of this Section.
- x. Landscape plan, including tree removal and vegetative list. The City's Landscape Design Consultant shall review the Landscape plan for compliance with this section.

- xi. Construction schedule indicating the approximate date of when construction of the subject development can be expected to begin and be completed.
- xii. Document of the intended organizational structure related to PD District owner's association including covenants and restrictions, or other mechanism established for funding and maintenance and continued protection of the PD District and any of its common services, common open areas, and other facilities.

6. Decision on the Specific Implementation Plan.

- a. The Zoning and Planning Commission shall be responsible for recommending to the City Council approval, approval with conditions, or denial of the Specific Implementation Plan. The following items shall be considered during this process:
 - i. Compliance with the approved General Development Plan, including specifically the conditions of approval; and
 - ii. Compliance with the requirements and intent of this Section.
- b. Upon receipt of Zoning and Planning Commission's recommendation, the City Council shall hold a public hearing to review the Specific Implementation Plan. The City Council shall review the criteria in Subsection 5.a and the Zoning and Planning Commission's recommendation and may either approve, approve with conditions, or deny the Specific Implementation Plan.
- c. As part of the approval of the Specific Implementation Plan, and before any building permit may be issued, the developer shall enter into an agreement with the City guaranteeing the completion of all utilities, community amenities, and streets in accordance with the Specific Implementation Plan. A detailed engineer's estimate will be required that outlines the cost of improvements in accordance with requirements outlined in the Subdivision Code.
- d. In the event that at least one (1) Specific Implementation Plan is not approved within two (2) years after the approval of the rezoning, the rezoning may be terminated by the City in accordance with the procedures for a rezoning. The developer may, at any time, apply to the City Council for an extension of the development schedule and such may be granted for good cause.
- e. Upon completion of a building or any infrastructure of the PD District, the applicant/developer shall file with the Building Department as-builts for the same.

7. Amendments.

- a. Minor amendments to the General Development Plan or Specific Implementation Plan, as reasonably determined by the City Planner, may be approved by the City Planner when in compliance with the requirements of the PD District. Any modification determined by the City Planner not to be a minor amendment shall comply with the procedure in Subsection b below. If such is not in compliance with the requirements of the PD District, such will not be deemed a minor amendment.
- b. To amend an existing General Development Plan or Specific Implementation Plan, the following procedure should apply:
 - i. To amend the General Development Plan:
 - 1. Application and fee of \$750.00.
 - 2. The property owner or authorized representative shall submit a written request to amend the General Development Plan including a

detailed explanation of the requested amendment and reason for the same.

3. The City Planner shall evaluate the request for consistency with the purpose and content of the original approval and requirements of this Section. The City Planner shall then forward the request and his/her report to City Council for referral to the Zoning and Planning Commission. If referred, the Commission shall review the proposed amendments to determine compliance with the requirements of this Section and purpose of the PD District and make a recommendation to the City Council to grant, deny, or grant with conditions the requested amendment.
 4. The City Council shall hold a public hearing on the requested amendment and review the proposed amendments to determine compliance with the requirements of this Section and original purpose of the PD District and, grant, deny, or grant with conditions the requested amendment.
- ii. To amend the Specific Implementation Plan:
1. Application and fee of \$500.00.
 2. The property owner or authorized representative shall submit a written request to amend the Specific Implementation Plan including a detailed explanation of the requested amendment and reason for the same.
 3. The City Planner shall evaluate the request for consistency in the purpose and content of the approved General Development Plan and the requirements of this Section.
 4. If the City Planner determines the proposed amendment is not in conflict with the approved General Development Plan and the proposed amendment would meet all the conditions of the PD District, the City Planner may approve or approve with conditions said amendment. The approval shall be retained on file in the office of the Building Department. Any major modification(s) to the proposed architectural design will be referred to ARB for review and recommendation regarding such modifications.
 5. If the City Planner determines the proposed amendment is in conflict with the approved General Development Plan and the proposed amendment would not meet all the conditions of the PD District, the City Planner shall then forward the request and his/her report to the Zoning and Planning Commission. The Commission shall review the proposed amendments to determine compliance with the requirements of this Section and approved General Development Plan and make a recommendation to the City Council to grant, deny, or grant with conditions the requested amendment. Any major modification(s) to the proposed architectural design will be referred to the ARB for review and recommendation regarding such modifications.
 6. The City Council shall hold a public hearing on the requested amendment and review the proposed amendments to determine compliance with the requirements of this Section and approved

General Development Plan and grant, deny, or grant with conditions the requested amendment.

- c. When a major alteration to a General Development Plan or Specific Implementation Plan is submitted for approval that does not encompass the entire PD District, the applicant shall submit information for consideration that describes the impact the proposed alteration will have on the rest of the approved PD District.
8. Appeals. Any applicant aggrieved by a decision of the City Council or City official under this Section may appeal such decision to the Board of Adjustment pursuant to the procedures of Section 50-53(b) of the Municipal Code provided such appeal is filed within thirty (30) days of the date of the City Council's or City official's decision. To the fullest extent permitted by law, such review procedures shall be exhausted before any action may be filed in any court against the City or its officers, employees, boards, officials, or commissions.

SECTION XII. BOARD OF ADJUSTMENT

A. Membership

There shall be a Zoning Board of Adjustment, hereafter referred to as the "Board". The Board shall consist of five members who shall be residents of the City of Ladue appointed by the Mayor and approved by the City Council. The term of office of the members of the Board shall be for five years. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and the City Council upon written charges and after public hearing. *[Ord. 1595]*

B. Rules of the Board

The Board shall elect its own Chairman and Vice-Chairman, who shall serve for one year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance.

C. Absence at Meeting

Three alternate members shall be appointed by the Mayor to serve in the absence or the disqualification of the regular members of the Board. The term of office for the alternate members shall be one calendar year, the term for the first alternate members to end on the last day of the year in which this ordinance is adopted. (Ord. 1774)

D. Meetings

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member 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 and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for the purpose.

E. Appeals

Appeals to the Board may be taken by any person aggrieved or by an officer, department, board or bureau of the City of Ladue affected by any decision of the Building Commissioner. Such appeal shall be taken within a reasonable time as shall be prescribed by the Board by general rule, by filing with the Building Commissioner and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee in the amount required by Ordinance at the time the notice is filed, which the Building Commissioner shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City of Ladue. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. *[Ord. 1482]*

F. Stays of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Board after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which

may be granted by the Board or by a court of record on application or notice to the Building Commissioner and on due cause shown.

G. Hearings

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, including the owners of abutting lots and the Mayor and City Council, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or be represented by agent or by attorney.

H. Jurisdiction

The Board shall have the following powers:

- (1) To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of Section X.
- (2) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this ordinance.
- (3) To permit a variation in the yard and fence requirements in any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions.
- (4) To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- (5) To permit the increase in the height of fences for purposes of safety and screening.
- (6) To modify the requirements for plant materials, trees or shrubs, whenever satisfactory proof is presented that indicates no reasonable need for such planting exists in a particular case, or that same would not serve the best interests of the community.
- (7) To determine whether any proposed manufacturing plant or establishment is obnoxious or offensive and not in accordance with the intent and spirit of this ordinance because of the emission of smoke, odor, noise or gas.
- (8) To permit accessory building: (a) in front of a main building (but not in the required front yard) in the A and B Districts; and (b) in front yards of corner lots or in either of the front yards of a through lot in any district.
- (9) Whenever a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or unnecessary hardship, to permit such variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. But any such variation may be granted only when the Board is satisfied that it will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant such variation, and at the same time properly protect the surrounding property. In no case, however, shall the Board permit a use which is not a permitted use of land under this ordinance in the district

in which the land involved is located, and in no case shall the Board permit a variation, waiver or modification of a requirement of this ordinance which does not substantially comply with its terms and accord with its spirit and purpose. A self-inflicted hardship shall not be deemed a practical difficulty or an unnecessary hardship. [Ord. 1379, Ord. 1595, Ord. 1774]

I. Determinations

In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, 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 Building Commissioner. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

J. Petition to Circuit Court

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of St. Louis County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decisions in the office of the Board.

(1) Upon presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made, and served upon relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceeding upon the decision appealed from but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(2) The Board shall not be required to return the original papers acted upon by it, but shall be sufficient to return certified or sworn copies thereof or of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(3) If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(4) Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from.

SECTION XIII. SIGNS**A. Declarations.**

The declarations in Chapter 35 of the City's Code of Ordinances are adopted as applicable to the signs regulated by this Section.

B. Purpose and Intent.

The purpose and intent of this Section generally is the same as that set out in Chapter 35. A further purpose is to control and regulate signs in the City of Ladue in a manner that is consistent with the intent and purpose of the Zoning Ordinance. Finally, the specific purpose is to regulate commercial signs.

C. Definitions.

In addition to the definitions found in Section XV of this ordinance, the following words and phrases shall have the meanings given in the following clauses for the purposes of this Section XI. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specific meaning.

Awning A shelter or protective cover projecting from and supported by the exterior wall of a building constructed of non-rigid materials over a rigid framework which is either ground supported or which can be raised or retracted to a position against the building when not in use.

Awning Sign Any sign that is a part of or attached to an awning or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Banner Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Bulletin Board Sign, Institutional A wall sign or freestanding sign which identifies a place of worship or school and which contains the name of the institution and changeable copy information such as the names of individuals connected with the institution, general announcements of events or activities occurring at the institution, or similar messages.

Changeable Copy Sign A sign on which message copy is changed manually or automatically, through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels, but not including an institutional bulletin board sign or a gasoline filling station price sign.

Commercial Message Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Construction Sign A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the owners and/or contractors having a role or interest with respect to the structure or project.

Directional Sign A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

Directory Sign A sign listing the name and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

Driveway Sign A sign located near a driveway that contains the address of the premises or information such as "enter," "exit only," "no construction traffic," "no deliveries," or any similar information.

Erect To build, construct, install, attach, hang, place, inscribe, suspend or affix, and shall include the painting of wall signs.

Flag Any fabric or bunting containing distinctive colors, patterns or symbols, including flags used as a symbol of a government, institution or business, but not including a commercial message.

Freestanding Sign Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure including a low monument sign.

Gasoline Filling Station Canopy A freestanding structure located on the same premises as a gasoline filling station affording protection from the elements to persons or property thereunder.

Gross Sign Area See Sign Area, Gross.

Incidental Sign A sign which is generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here," "loading only," "telephone," or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.

Illuminated Sign Any sign that is internally or externally illuminated.

Institutional Bulletin Board Sign See Bulletin Board Sign, Institutional.

Low Monument Sign A freestanding sign not more than six (6) feet high which is located adjacent to a road right-of way.

Non-conforming Sign Any sign that was lawfully erected but no longer conforms to the requirements of this ordinance.

Office Building A commercial building in which less than 50% of the gross leasable floor area generates the payment of sales taxes from the sale of tangible personal property. [Ord. 2106]

Office Park A development on a lot that contains two or more separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

On-Premise Permanent Sign A sign pertaining primarily to the use of the premises on which the sign is located and which may contain, but is not limited to, any of the following information: the name of the owner, occupant, management, business or building; the address; the type of business, profession, service or activity; and the type or types of products offered.

Paper Sign A sign normally for temporary use made of paper, cardboard or similar material.

Portable Storage Unit (P.S.U.) A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property. [Ord. 1917]

Real Estate Sign Any sign pertaining to the sale, lease or rental of real estate.

Retail Use Any use that generates the payment of sales tax. [Ord. 2106]

Shopping Center A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site with more than 50% of the gross leasable floor area dedicated to retail use. [Ord. 2106]

Sign Any device, fixture, placard or structure that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, but not including a church steeple.

Sign Area, Gross The entire area within a single continuous perimeter composed of parallelograms, triangles, circles, ellipses or combinations thereof, enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual letter sign erected on a wall only two-thirds (2/3) of the entire area of the enclosing parallelograms, triangles, circles, ellipses or combinations thereof; shall be counted as the gross area of the sign. Where a sign has two (2) or more faces, the gross area of all such faces shall be included in determining the total gross area of the sign.

Sign Face The area or display surface used for the message.

Sign Frontage The length along the side of a building when the side of the building faces a street or a parking lot. Except, however, that the length along the side of a building that faces an interstate highway or other non-accessible road shall not be considered sign frontage. [Ord. 2106]

Sign Height For all signs except billboards, the vertical distance measured from the elevation of the centerline of the adjacent right-of way at the point closest to the sign to the highest point of the sign face.

Sign Permit A document certifying that the plans for the proposed sign comply with all applicable City ordinances and requirements.

Temporary Promotional Display A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, or a change in policy or in the status of a business.

Temporary Sign A sign which is not permanently installed or affixed to any sign, structure, building or lot.

Wall Sign Any sign attached parallel to, and within fourteen inches of, a wall, painted on the wall surface, or erected and contained within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.

Window Sign Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed immediately inside a window or upon the window panes or glass and is visible from the exterior of the window.

D. Applicability.

The provisions of this Section XI shall apply to all commercial message signs in the City, unless a sign is specifically exempted by Subsection H. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section XI and other applicable provisions, the more restrictive shall govern.

E. Signs in Residential Districts.

It shall be unlawful to erect or maintain any commercial message sign, including construction signs, in residential zoning districts except those signs required by Section 67.317 of the Revised Statutes of Missouri concerning real estate and except those signs used in connection with a preexisting non-conforming use as defined by the City's zoning ordinance while such preexisting use continues. Such signs used for preexisting non-conforming uses shall comply with all requirements concerning size and location set out in this ordinance.

F. Signs in Nonresidential Districts.

(1) Signs in nonresidential districts which do not contain a commercial message shall be regulated by Chapter 35 of the City's Code of Ordinances.

(2) Commercial message signs, including billboards (see Subsection G) are regulated by this Section XI. Commercial message signs; other than billboards are subject to the requirements outlined in this Subsection F.

(3) Classification of signs. Signs shall be classified as on-premise permanent signs, temporary or incidental signs, or special purpose signs as follows:

(a) On-premise permanent signs as defined in Subsection C.

(b) Temporary or incidental signs as defined in Subsection C are limited to the following: window signs, temporary promotional displays, temporary real estate signs, and temporary on-site construction signs.

(c) Special purpose signs are limited to parking direction signs, parking regulation signs, covered walkway signs, and directory signs.

(4) On-premise permanent signs

(a) *Office building signs:* Each freestanding, single or multi-tenant office building may have one (1) wall sign per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed sixteen (16) square feet per sign frontage.

(b) *Individual business or use within a shopping center.* Within a shopping center, each individual business or use which has sign frontage, as defined in Subsection C, may have one (1) or more wall signs and/or signs affixed or painted on awnings with a total gross sign area per sign frontage not to exceed twelve (12) square feet. A rear entrance to an individual or freestanding business used primarily for delivery purposes may be identified

by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to or immediately above the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the signs shall maintain uniformity in location, height and general design, and shall be compatible in color. [Ord. 2106]

(c) *Freestanding business or use.* Each freestanding business or use (except office buildings) may have one (1) wall sign as defined in Subsection C per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed twelve (12) square feet per sign frontage.

(d) *Two Sign Frontages.* For buildings or uses permitted signage based on paragraphs (a), (b), or (c) above which have two sign frontages, a single sign may be erected in lieu of one sign for each sign frontage. The single sign shall not exceed one and one-half (1½) times the allowed gross sign area for a single frontage.

(e) *Shopping center or office park signs:* A shopping center, or office park, occupying a site in excess of three (3) acres in size may have a single low monument, on-premise sign identifying the center, park or complex (major tenants may also be identified on this sign) in accordance with the following standards:

Maximum sign area: 50 sq. ft.
 Maximum area per sign face: 25 sq. ft.
 Minimum setback from right-of way: 10 ft.

(f) *Low Monument Building Sign:* For buildings on lots with at least 200 feet of frontage on a single street which are set back a minimum of 60 feet from the street right-of way line, a single, low monument, sign used primarily for identifying the building and/or its major tenants is permitted based on the following standards:

Maximum sign area: 50 sq. ft.
 Maximum sign area per sign face: 25 sq. ft.
 Minimum setback from right-of way: 10 ft.

(g) *Major Tenants of Shopping Centers:* In lieu of the signage allowed in paragraph (b) of this Subsection, the primary tenants of a shopping center (tenants occupying at least 40,000 square feet of floor area) located on a site of at least three (3) acres may have their allowable signage increased based on the following standards:

Maximum sign area per sign frontage (maximum of two): One-half square foot of sign area per linear foot of sign frontage, up to a maximum sign area of 80 sq. ft.

Minimum sign setback from right-of way and property lines: 60 feet Limited to single-faced wall signs only.

(5) Temporary or incidental signs. The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premise permanent signs:

(a) *Window signs:* The total gross sign area of all window signage, incidental signs and paper/temporary window signs shall not exceed five (5) percent of the total clear glass area along the portion of the storefront on which the signs are located. While this provision is

designed to allow for incidental signs, nothing in this paragraph is intended to prohibit the display of a sign with a political message.

(b) *Temporary promotional displays and signs:* Temporary promotional displays such as banners or posters shall be permitted for ground floor retail sales and service uses to announce grand openings, special sales or events. These special promotions shall be limited to two (2) times per year for up to two (2) weeks each period. A separate sign permit shall be required for each event. These temporary promotional displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed one-half the allowable square footage for on-premise permanent signs.

(c) *Temporary Real Estate Signs.* In addition to the permitted signage on any nonresidential premises, temporary real estate signs may be allowed for a period not exceeding ninety (90) days offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located and shall be limited to six (6) square feet per sign face with a maximum of two (2) sign faces. At the end of the 90 day period, real estate signs may be maintained provided that such signs continue to only advertise the premises on which they are located and provided that the aggregate area of all signs on the premises do not exceed the maximum allowed on the premises for all signs. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented.

(d) *Temporary On-site Construction Signs:* One (1) on-site construction sign per entire development denoting the owner and/or contractor shall be permitted. Such sign shall not exceed eight (8) square feet in gross sign area, and not to exceed six (6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade. Such sign shall be erected on the property and outside of the right-of way for any public or private street. Such sign shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the building final inspection if no occupancy permit is required.

(6) Special purpose signs. Signs authorized in this subsection are not to be included in calculating the allowable sign area for on-premise permanent signs.

(a) *Parking direction signs:* One (1) non-illuminated freestanding parking direction sign per direction, shall be permitted for each driveway, provided the sign does not exceed three (3) square feet in gross sign area per face, the sign height does not exceed three (3) feet, and no portion of-the sign shall extend into the public right-of way. If the sign is located at a private driveway, the sign may contain the address of the business or institution on the premises.

(b) *Covered walkway signs:* A sign not to exceed two (2) square feet in gross sign area, may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. The content of such a sign shall primarily be for identification of the business it is hung in front of and only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail store front so as to be beneficial to pedestrian traffic.

(c) *Directory sign:* Each multi-tenant office building, shopping center or similar use with more than one tenant, may have one (1) freestanding directory sign not exceeding sixteen

(16) square feet in size. Such sign shall be setback a minimum of fifty (50) feet from any street right-of way line.

(7) Gasoline Filling Stations

(a) *Sign Limitations.* Signs located on property used for gasoline filling stations shall be subject to the provisions and limitations set forth in this Subsection. Additional retail signs, unless specifically provided for herein, shall be prohibited.

(b) *Prohibited Signs.* No sign shall be attached to any pole, light standard, or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in Subsection F (7) (e).

(c) *Wall Signs.* Not more than one (1) wall sign shall be permitted for each gasoline filling station per sign frontage. This wall sign shall not exceed twelve (12) square feet in gross sign area.

(d) *Canopy Signs.* A gasoline filling station with a canopy shall be permitted one (1) canopy sign, in addition to a wall sign, per sign frontage. This canopy sign shall not exceed twelve (12) square feet in gross sign area per sign frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below, or from any side of the vertical face of the canopy. This sign may be illuminated by internal and non-intermittent light sources. A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the gross sign area allowable for said sign.

(e) *Pump Signs.* Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding "octane rating," "price," and "type of fuel." The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self service" or "full-service" signs may identify each pump island on the gasoline filling station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than six (6) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.

(f) *Gasoline Price Signs.* No more than one (1) gasoline price sign shall be allowed per gasoline filling station property sign frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed twelve (12) square feet in sign area per face, shall not have more than two sign faces, and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify only the actual unit price being charged for gasoline being sold. The business's name and/or logo may be displayed on this sign.

(g) *Gasoline Filling Stations on Lindbergh.* In lieu of the filling station canopy sign allowed by paragraph F (7) (d), a gasoline filling station with frontage on Lindbergh Boulevard may have a single low monument sign for identification. The sign area of such sign shall not exceed 25 square feet per sign face and there shall be not more than two (2) sign faces.

G. Billboards.

(1) Only billboards mandated by State or Federal law are permitted in the City and such billboards must meet the following requirements

(a) it must be located within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or primary highway (as defined by the Missouri Department of Transportation) and the interstate or primary highway must not be a scenic roadway;

(b) a billboard may only be placed on lands zoned G1 Commercial District or G2 Commercial District;

(c) the billboard must comply with all provisions of paragraphs (2), (3) and (4) herein.

(2) *Size, Height and Mounting of Billboards.* The size, height and mounting of billboards shall be regulated by the following:

(a) The maximum area for any one (1) billboard shall be seven hundred fifty (750) square feet with a maximum vertical dimension of thirty (30) feet and a maximum horizontal dimension of sixty (60) feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members;

(b) the maximum height of a billboard shall not exceed thirty-five (35) feet above the natural grade where the sign is installed;

(c) No billboard shall be located on the roof of a building or on a non-sign structure.

(3) *Separation Requirements.* No billboard structure shall be erected within:

(a) seventy-five (75) feet of the property line of the lot on which the billboard structure is located;

(b) six hundred (600) feet of any residentially-zoned property;

(c) seventy-five (75) feet of any existing building;

(d) three hundred (300) feet of any park, playground, school, library, or place of worship, or

(e) seventy-five (75) feet of an overhead power line.

(4) *Illumination.* Illuminated signs are regulated by Chapter 35 of the City's Code of Ordinances and the provisions set out there are applicable to signs regulated by this Section.

(5) *Permits Required.* No permit to allow a billboard to be newly erected shall be issued by the City without a permit issued by the Missouri Highways and Transportation Commission.

H. Exempt Signs in Nonresidential Districts.

The exempt signs allowed in nonresidential districts are the same as those exempted in Chapter 35 of the City's Code of Ordinances. In addition, signs not exceeding two (2) square feet in sign area, including, but not limited to, commercial address numerals, are also exempt.

I. Prohibited Signs.

Chapter 35 of the City's Code of Ordinances provides a list of prohibited signs in the City. All of those signs are prohibited in nonresidential districts except those billboards and commercial message signs which are specifically permitted and regulated in this Subsection. Any sign that is not specifically prohibited by Chapter 35 and not specifically permitted by this Section shall be prohibited in nonresidential zoning districts.

J. Illuminated Signs.

Illuminated signs are regulated by Chapter 35 of the City's Code of Ordinances and the provisions set out there are applicable to signs regulated by this Section.

K. Sign Permits.

No sign permitted under Subsection F or Subsection G which is one designated as required to have a sign permit shall be erected, constructed, painted or placed upon any building or premises within the City until a permit therefor has been issued by the City Clerk. The procedures for issuance of a sign permit are contained in Chapter 35 of the City's Code of Ordinance.

L. Design, Construction, Maintenance, Inspection.

All the design, construction, maintenance and inspection requirements of Chapter 35 are applicable to any signs permitted under this Section XI which are adopted and made applicable to signs regulated under this Section XI.

M. Compliance Requirements.

Signs are required to be in compliance with this Section XI as follows:

No new sign may be constructed or erected after the effective date of this Section XI, unless the sign conforms to all the provisions of this Section XI and any required sign permit has been issued by the City Clerk. Nothing in this Subsection M shall relieve the owner or user of a non-conforming sign from the provisions of this Section regarding safety, maintenance, and repair of signs specified in Subsection L.

Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty (50) percent or more of its replacement cost, exclusive of the foundation, after the effective date of this Section XI, shall not be rebuilt, repaired or replaced unless in conformity with the provisions of this Section XI. Repair of such sign shall not affect provisions of any of the other paragraphs of this Subsection M.

- (1) Any sign that was erected without a permit prior to the effective date of this Section XI shall be removed or brought into conformance with this Section XI within six (6) months of such effective date except that signs used in connection with a preexisting non-conforming use shall be subject to paragraph (4) of this Subsection M.
- (2) All existing signs erected with a permit and signs used in connection with a preexisting non-conforming use shall be brought into compliance within five (5) years of the effective date of this Section XI except signs with variances granted prior to such date which shall be regulated by paragraph (5) of this Subsection M.

- (3) Signs which received a variance by the City Council prior to the effective date of this Section XI shall be required to comply with the size requirements of this Section XI or other applicable size requirement which is specified in the Chapter 35 of the City's Code of Ordinances within eight (8) years of the effective date of this Section XI.

N. Miscellaneous Requirements.

- (1) *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Section XI or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of way of any City, state or county road.
- (2) *Sign Frontage Limitations.* Any building or use specifically allowed signage on more than one (1) sign frontage shall be limited to displaying or erecting signage on only two (2) sign frontages. The third and any subsequent frontage shall be devoid of any on-premise permanent signs except for a rear entrance sign of not more than two square feet in size.

O. Enforcement and Sign Removal.

All the enforcement and sign removal requirements of Chapter 35 are applicable to any signs permitted under this Section XI which are adopted and made applicable to signs regulated under this Section XI.

P. Variances.

- (1) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of the provisions of this Section XI, the Zoning Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Section XI shall be observed, public safety and welfare secured, and substantial justice done.
- (2) A variance from this Section XI may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number, or dimensions of signs, or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain, or mere inconvenience to the applicant.
- (3) The procedures and criteria for granting a variance from the regulations in this Section XI shall be as set out in Section X of the City's Zoning Ordinance.

Q. Severability of Parts of this Section XI.

The phrases, clauses, sentences, paragraphs, and subsections of this Section XI are severable and if any phrase, clause, sentence, paragraph, or subsection of this Section XI shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree, or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and subsections of this Section XI. In the event that, contrary to the policies, interests, and values of the City of Ladue, a court of competent jurisdiction issues a judgment, decree, or injunction order that this Section XI or any part thereof is unconstitutional or otherwise unlawful because of any omission or prohibition in this Section XI, then all provisions of this Section XI not specifically declared to be unconstitutional or otherwise unlawful shall remain in full

force and effect and all signs not already specifically regulated in Subsection F shall be permitted but shall not be greater than four (4) square feet. In the event that a judgment, decree, or injunction order declaring all or a portion of this Section XI to be unconstitutional or otherwise unlawful is reversed or vacated by a court of competent jurisdiction, the provisions contained in this Section XI shall remain in full force and effect.

R. Enforcement and Sign Removal.

(1) *Inspection of signs.* All signs may be inspected by the Building Commissioner, Building Inspector or someone appointed by them to determine if the sign is insecure, in danger of falling, or otherwise unsafe. Signs may also be inspected to ensure compliance with all provisions of this Chapter.

(2) *Notice to remove unsafe sign.* When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign exists or is installed or maintained in violation of the provisions of this Section XI with respect to construction or safety, the owner, person or firm maintaining such sign shall correct the deficiencies or violation or remove the sign within ten (10) days after receiving notice from the City Clerk; provided, however, that if such sign constitutes an immediate danger to the public health, safety or welfare, the Building Commissioner shall order immediate correction or removal of such sign.

(3) *Removal of non-conforming signs.* Any sign which is not erected, constructed, or maintained in accordance with the provisions of this Section XI shall be removed by the owner within fifteen (15) days of notice by the City. If the owner fails to act after fifteen (15) days notice to the owner of the property such sign may be removed by the City and the cost thereof charged to the owner of, or person maintaining, such sign.

S. Violations.

The actual costs for correction of violations incurred by the City under the provisions of this Section XI shall become a lien upon the property from which the same were removed. The amount of such lien shall be added to the tax roll and collected as unpaid taxes.

SECTION XIV. ADMINISTRATION**A. Enforcement**

(1) Building Commissioner. The Building Commissioner, or his duly authorized representatives, shall administer and enforce this ordinance. He shall receive applications required by this ordinance, furnish prescribed documents, issue such notices or orders as may be necessary, and maintain copies of records pertaining to zoning within the City of Ladue. All such records shall be open to public inspection at reasonable hours. The official copies of all zoning records shall be retained in the office of the City Clerk. *[Ord. 1595]*

(2) Building Inspector. There is hereby created the position of Building Inspector in and for the City. The Building Inspector shall be appointed by the Mayor with the approval of the Council which shall set the salary for that position. The duties and powers of the Building Inspector shall be those prescribed by the provisions of State law and City Ordinances; they shall include the issuance of authorized permits and occupancy certificates. The Building Inspector shall be responsible for determining that all permits and certificates are in compliance with applicable Ordinances. *[Ord. 1595]*

(3) Permits

(a) It shall not be lawful to construct, alter, repair, remove or demolish, or to commence the construction, grading, alteration, removal or demolition of a building or structure, without first filing with the Building Commissioner an application in writing and obtaining a permit. *[Ord. 1595]*

(b) An application for a permit shall be filed for all activities affecting land, buildings or structures which require a permit as specified in this ordinance, the Building Code of the City of Ladue, or any other applicable city ordinance. The application shall be filed in a form provided by the City of Ladue or meeting its requirements, and a permit received before start of such activity. *[Ord. 1595]*

(c) The Building Commissioner shall not issue any building permit for any building or structure subject to Site Development Plan review unless the building or structure is in substantial compliance with the approved plan. *[Ord. 1531]*

(4) Certificate of Occupancy

(a) No change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new, reconstructed or altered building be occupied for any purpose other than single-family dwelling use until a Certificate of Occupancy has been issued by the Building Inspector. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this ordinance.

(b) Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(c) A Certificate of Occupancy shall be required of all nonconforming uses. Applications for such certificate for nonconforming uses shall be filed within 12 months from the effective date of this ordinance.

(d) The Building Commissioner shall not issue any Certificate of Occupancy for any building or structure built pursuant to an approved Site Development Plan unless that building or structure is in substantial compliance with the approved Plan. *[Ord. 1531]*

(5) Excavation Permit *[Ord. 1595]*

(a) When a permit is required under Section II. A. (7), an application shall be filed with the Building Commissioner indicating existing and proposed contours of the improvements.

(b) No permit for excavation for any building within the G or H Districts shall be issued before application has been made for Certificate of Occupancy.

B. Records of the Building Commissioner

The Building Commissioner shall retain records of the following:

(1) Permits

- (a) Copies of building permits.
- (b) Copies of plats when they accompany building permits.

(2) Certificates of Occupancy

- (a) Copies of Certificates of Occupancy.
- (b) Copies of Temporary Certificates of Occupancy.
- (c) Copies of Certificates of Occupancy for non-conforming uses.

(3) Excavation Permits

Excavation permits for building.
Permits for grading.

(4) Special Use Permits

Applications for special use permits.
Copies of letters of notification to neighbors within 185 feet of the special use permit.
Copies of the reports by the Zoning and Planning Commission on special use permits.
Copies of the Civic Improvements Committee reports on special use permits.
Copies of legal newspaper publications on special uses.
Copies of minutes of the City Council public hearings on special use permits.
Copies of special use permit.

(5) Amendments

- (a) Copies of minutes of City Council meeting in which an ordinance or a map change was initiated by the Council.
- (b) Petitions for amendment to the Zoning Ordinance.
- (c) Copies of notifications to neighbors affected by the amendment.
- (d) The report of the Zoning and Planning Commission.
- (e) Copies of the legal newspaper publications on the amendments.
- (f) Copies of the minutes of the public hearing by the City Council on the amendment.
- (g) Copies of the amendment in ordinance form and/or in map form.

(6) Adjustments

- (a) Copies of applications to the Board of Adjustment.
- (b) Copies of notices to property owners affected by the appeal.
- (c) Filing of one copy of the minutes of the hearing held by the Board of Adjustment.
- (d) Copies of the adjustment allowed by the Board.

(7) Current Ordinance

It shall be the duty of the Building Commissioner to retain a copy of the Zoning Ordinance and all amendments and special use permit amendments. On January 1st of each year, the Building Commissioner shall update the zoning ordinance, indicating all amendments and special use amendments.

(8) District Map

It shall be the duty of the Building Commissioner to retain the official copy of the Zoning District Map. On January 1st of each year, the Building Commissioner shall have the Zoning District Map revised in accordance with all zoning amendments based upon zoning changes by the City Council during the previous year. A copy of the Zoning District Map shall be posted for public inspection in the City Hall at all times.

SECTION XV. ARCHITECTURAL REVIEW BOARD

No building shall be erected, reconstructed, structurally altered or changed so as to affect its outward appearance until the provisions of Article III of Chapter 110 have been complied with.

SECTION XVI. CHANGES AND AMENDMENTS

The City Council may from time to time, on its own motion or on petition, after at least fifteen days public notice published in a paper of general circulation in the City, and hearings as provided by law, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established, after submitting same to the City's Zoning and Planning Commission for its recommendations and report. In case, however, that the City's Zoning and Planning Commission disapproves the change, or of a protest against such changes duly signed and acknowledged by the owners of thirty percent or more, either of the area of land (exclusive of streets and places) included in such proposed change, or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the City Council. An applicant petitioning for a zoning change shall pay a filing fee in the amount required by ordinance to the City Clerk at the time the notice is filed, which the City Clerk shall forthwith pay over to the City Treasurer to the credit of General Revenue Fund of the City of Ladue. No subsequent petition requesting a zoning change with respect to the same property or any part thereof, whether or not filed by the same petitioner, shall be accepted for review until the expiration of eighteen months after final action by the City Council on a prior petition, or after the withdrawal or abandonment of such petition at any time after the Zoning and Planning Commission has voted on the matter, unless the City Council determines to waive this limitation because of a material change in the relevant circumstances or in the nature of the petition. . [Ord. 1379, 1637]

SECTION XVII. LANGUAGE AND DEFINITIONS

For the purpose of this ordinance, the general rules for interpreting language and the definitions of certain terms and words are as follows:

Unless the context clearly shows otherwise, words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular; the word "structure" includes the word "building", and the word "shall" is mandatory and not directory. *[Ord. 1595, 1637]*

Accessory Building. A building, separate and detached from the main building, the use of which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area and extent to the principal use served; and is located on the same lot as the principal use. *[Ord. 1595]*

Accessory Structure or Use. A structure or use, which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, and extent to the principal use served; and is located on the same lot as the principal use. *[Ord. 1595]*

Art/ Photography Studio or Gallery. Facility for an artist, photographer, sculptor, or other visual art form for the purpose of creation, display, and sales. *[Ord. 2178]*

Attached. Structures that share a common roof line shall be deemed attached and part of the same structure. Materials connecting attached structures shall be consistent with the materials of the building façade and roof. *[Ord. 2187]*

Automotive Sales. The sale of new or used vehicles, motor homes, trailers, recreational vehicles, motorcycles and farm implements. This definition does not include the sale of automotive parts, yard care equipment and bicycles. *(See also Service Stations.)*

Basement. A level of a building partly or wholly underground which is capable of being subdivided and used for dwelling or business purposes. *[Ord. 1815]*

Berm. A bank of earth with sloping sides not supported by a retaining wall or other structure. *{Ord. 1752}*

Building. A structure as herein defined which has any combination of walls and a roof. *(See Structure.)*

Building, Height of. The vertical distance measured from the lowest point of original grade or lowest point of finished grade, whichever is lower, to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the highest ridge line for gable, hip and gambrel roofs. *[Ord. 1649, Ord. 1939]*

Clinic. An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians, surgeons or dentists practicing together, or any outpatient surgical center (not including dental surgery.)

Concept Site Plan. A basic plan for the development or redevelopment of a commercially- or industrially-zoned parcel of land exceeding one (1) acre in size indicating the location of existing and proposed buildings and structures, the location and dimensions of the parcel and other basic

information as required in Section VIII of this Ordinance. *[Ord. 1372. Editor's Note: Ord. 1595 amends one (1) acre to two (2) acres.]*

Day Spa: An establishment that offers a combination of licensed massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses and may include a combination of non-medical personal services such as hair, nail, skin care, and hair removal treatments or other services typically found in a beauty salon. A beauty salon, barber shop, or nail care establishment that does not provide a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses shall not be classified as a day spa. *[Ord. 2178]*

Detached. A structure that does not meet the definition of attached in this section shall be deemed detached and considered an accessory building. *[Ord. 2187]*

District. One or more sections of the City of Ladue for which the regulations governing the height, area, and use of buildings and premises are the same.

Dwelling. Any building or portion thereof which is designed or used exclusively for residential purposes.

Family. (a) One or more persons related by blood, marriage or legal adoption, or (b) any number of persons so related plus one unrelated person, or, (c) two unrelated persons, occupying a dwelling unit as an individual housekeeping organization. *[Ord. 1697]*

Fence. A barrier, railing, or other upright structure enclosing an area of ground to mark a boundary or to control access into or out of an area. *[Ord. 2253]*

Flag Lot. A lot that has no frontage or which does not have the minimum frontage as required by the zoning ordinance, and where access from the lot to the road right-of-way is by a narrow corridor connecting the bulk of the lot to the street or private road. *[Ord. 1637, 2363]*

Flood-Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

Flood Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course or regulatory flood-hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Floor Area. The gross floor area of the building or buildings consisting of the sum of the gross horizontal enclosed areas of the several floors measured from the exterior faces of the walls enclosing the building or buildings, including all floor areas in garages (attached or detached), covered porches, covered patios, covered walkways and breezeways and all other floor areas under roof, excepting the floor area of a basement which is not counted as a story under the definition of Basement in Section XV. *[Ord. 2163]*

Footcandle: A measurement of light intensity equal to one lumen falling on one square foot of a surface. *(Ord. 2216)*

Freestanding Lighting Fixture. Any structure to which a light is attached, including but not limited to a pole, pylon or tree, but not including a building. *[Ord. 1842]*

Frontage. The dimension of a lot measured along the right-of-way line of the roadway that affords the principal means of access to such lot (primary access right-of-way). [Ord. 1620, 2363]

Frontage, Required Minimum. The minimum permissible dimension of a lot as measured along its frontage. In the case of any lot to which the principal means of public access is provided by a circular cul-de-sac, the "Required Minimum Frontage" means the minimal permissible length of the arc (or any extension thereof) of the outer circumferential right-of-way line of the road forming the cul-de-sac measured between its points of intersection with the property lines of such lot. [Ord. 1620, 2363]

Garage, Private. Any building or portion thereof designed or used for vehicle storage only.

Garden enclosure. A barrier to protect plants from animals. [Ord. 2253]

Gate. A structure that can be swung, drawn, or lowered to block a driveway or roadway.

Glare. The light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes an interference with visual perception and can cause a reduction in visibility. It is likely to cause discomfort and annoyance. (Ord. 2216)

Goods or Services. Any work, labor, merchandise, equipment, products, supplies, or materials, of any tangible or intangible nature, except real property or any interests therein. (Ord. 2314)

Grass pavers. A type of surface covering in which plastic rings in a flexible grid system are placed on a base of blended sand, gravel and topsoil, then filled with topsoil and planted with vegetation. This pavement gives designers a turfgrass alternative to asphalt or concrete for such low-traffic areas as firelanes, overflow and event parking, golf cart paths, residential driveways, and maintenance and utility access lanes. The support base and the rings' walls prevent soil compaction and reduce rutting and erosion by supporting the weight of traffic and concentrated loads, while the large void spaces in the rings allow a strong root network to develop. The end result is a load-bearing surface covered with natural grass and which is typically around 90% pervious, allowing for stormwater pollution filtration and treatment. [Ord. 2148]

Gravel Pavers: Similar to grass pavers, ring structures are used, but the voids in the rings are filled with gravel in order to provide greater load bearing support for unlimited traffic volumes and/or parking durations. Manufacturers provide specifications on the sieve analysis that should be used to generate the clean gravel fill for the rings, and a geotextile fabric is used to prevent the gravel infill from migrating to the soil subbase. This pavement option is intended for high frequency, low speed traffic areas. [Ord. 2148]

Greenhouse. A structure with walls and a roof of chiefly transparent material, such as glass. [Ord. 2253]

Height. The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto. (Ord. 2220)

Home-Based Business. Any business operated in a residential dwelling, by a person residing in that residential dwelling, that manufactures, provides, or sells goods or services and that such business is owned and operated by the owner or tenant of the residential dwelling. (Ord. 2314)

Home-Based Business (No-Impact). See *No-Impact Home Based Business*.

Home-Based Work. Any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood. *(Ord. 2314)*

Home Occupation. Either a No Impact Home-Based Business or resident or residents of the home doing Home-Based Work. *(Ord. 2314)*

Kindergarten, Pre-Kindergarten, Nursery. Any land, building, structure or premises used for educational instruction and/or supplemental parental care for four or more children, either on an hourly or daily basis, with or without compensation.

Loading space. A space for the loading or unloading of vehicles having a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

Lot. A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit. *[Ord. 2187]*

Lot, Corner. A lot abutting upon the intersection of two or more road rights-of-way. *[Ord. 2363]*

Lot Area, Gross. The total area of a lot as defined by the legal description of the property. *[Ord. 2187]*

Lot Area, Net. The gross area of the parcel minus the area of any public or private road rights-of-way. *[Ord. 2187, 2363]*

Lot Line, Front. The boundary line of a lot that is contiguous to a road right-of-way (public or private). *[Ord. 2215, 2363]*

Lot Line, Non-Primary Front. A front lot line that is not considered the primary front lot line, in the case of a property with multiple front lot lines. *[Ord. 2363]*

Lot Line, Primary Front. The front lot line toward which the front door or main entrance of the main building is oriented. If the main entrance is not oriented toward a front lot line, the primary front lot line shall be the lot line that abuts the road right-of-way on which the property is addressed. *[Ord. 2363]*

Lot Line, Rear. Generally the lot line that is most parallel to and opposite the front lot line. In the case of multiple front lot lines, the rear lot line shall be opposite the front lot line of the primary front yard. *[Ord. 2215]*

Lot Width. The dimension of the lot measured along the required front yard setback line between its points of intersection with the property lines of such lot. *[Ord. 1620]*

Lot, Through. A lot that abuts at least two road rights-of-way that do not intersect. *[Ord. 2187, 2363]*

Main Building. The building designed and used for the principal permitted use of the lot. *[Ord. 1595]*

Massage Parlor. A commercial establishment which provides the service of massage or body manipulation, including exercise, and which also provides its patrons with the opportunity to engage in “Sexual Conduct,” as defined in Chapter 573 of the Missouri Revised Statutes. *[Ord. 2178]*

Massage Therapy. A health care profession which involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of medication, spinal or joint manipulation, the diagnosis of illness or disease or any service or procedure for which a license to practice medicine, chiropractic, physical therapy or podiatry is required by law, or to those occupations defined in chapter 329, RSMo. [Ord. 2178]

Medical Marijuana Facility. A facility to be operated for any of the following uses:

- (1) Medical Marijuana Cultivation Facility;
- (2) Medical Marijuana-Infused Products Manufacturing Facility;
- (3) Medical Marijuana Dispensary Facility;
- (4) Medical Marijuana Testing Facility;
- (5) Medical Marijuana Transportation Facility. [Ord. 2226]

Medical Marijuana Cultivation Facility. A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana Infused Products Manufacturing Facility. [Ord. 2226]

Medical Marijuana-Infused Products Manufacturing Facility. A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to another Medical Marijuana Infused Products Manufacturing Facility. [Ord. 2226]

Medical Marijuana Dispensary Facility. A facility licensed by the State of Missouri to acquire, store, transport, sell, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana Infused Products Manufacturing Facility. [Ord. 2226]

Medical Marijuana Testing Facility. A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana. [Ord. 2226]

Medical Marijuana Transportation Facility. A facility certified by the State of Missouri to store and transport marijuana. [Ord. 2226]

Medical/Dental Office. A medical office providing preventative care and treatment by a licensed healthcare professional by appointment. Up to 3 practitioners may be located in this office. No overnight boarding may take place. [Ord. 2178]

Mobile Home or Trailer. Any vehicle for carrying materials, or to function as a dwelling unit and designed to be hauled, propelled or transported along a highway, including camping trailers, house trailers, motor homes, tent trailers, boat trailers, material trailers, and farm wagons.

Motel. Any facility designed to provide short-term rental units to accommodate guests. [Ord. 2164]

No-Impact Home-Based Business. Any Home-Based Business where the total number of employees and clients on site at one time does not exceed the occupancy limit for the residential dwelling, and where the activities of the business:

- (1) Are limited to the sale of lawful goods and services;
- (2) Do not cause a substantial increase in traffic through the residential area;
- (3) Do not violate the Residential Parking Requirements set forth in Section VI.H;
- (4) Occur inside the residential dwelling or in the yard of the residential dwelling;
- (5) Are not visible from the road; and
- (6) Do not violate the narrowly tailored regulations set forth in Section IV.A(2)(d).
[Ord. 2314, 2363]

Nonconforming Lot. A lot currently existing, which does not conform to the current regulations of the district in which it is situated. [Ord. 2187]

Nonconforming Use. A building, structure, or use currently existing which does not conform to the current regulations of the district in which it is situated. [Ord. 2187]

Nursery School. (See *Kindergarten, Pre-Kindergarten.*)

Off-Street Parking. A designated area for parking of vehicles on a property and not located on any part of a road right-of-way. [Ord. 2363]

Open Fence. A fence that is at least 40 percent open, meaning that at least 40 percent of the area of said fence shall be open as viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence. [Ord. 2363]

Parking Area. The portion of a property set aside for parking and circulation of vehicles to include all driveways providing access to parking spaces. For the purposes of determining required landscaping, parking area shall not include any portion of a required buffer nor any green space outside of an area reasonably deemed to be set aside for parking for a facility.

Parking Space. A surfaced area, enclosed or unenclosed, not less than 9 feet wide and 19 feet long, together with a driveway connecting the parking space with a street, private road or alley, and permitting direct ingress and egress without the necessity of using any other parking space. [Ord. 1844]

Pavement. An area covered with material that provides a firm level surface for travel or other activities. This may include asphalt, concrete, gravel, stone, pavers, or other materials. [Ord. 2148]

Porous/permeable pavers. Interlocking hard materials that do not create a solid block, allowing water to permeate the surface. Drainage openings should comprise at least 10% of the paver's surface area. When properly filled with permeable material, the voids allow for drainage of storm-water through the pavement surface into the layers below. The system is a highly durable, yet capable of supporting heavier vehicular loads than grass or gravel pavers. [Ord. 2148]

Portable Storage Unit (P.S.U.). A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property. [Ord. 1917]

Primary Access Right-of-Way. A private road right-of-way that is permanently reserved as the principal means of access to abutting property. [Ord. 2363]

Principal Use. The primary or predominant use of a lot or premises occupying the major portion of the main building. [Ord. 1595]

Privacy Fence. A fence that is less than 5% open as viewed on any line perpendicular to the vertical plane of the fence.

Private Club. A building and area used for cultural, recreational or social purposes only, including the serving of food and refreshments, the normal use of which is limited to members of the club and their guests.

Private driveway. Private property designated for vehicle use that is used to provide access from a front lot line to a residence or other use. [Ord. 2363]

Private Road Right-of-Way. Legally designated road right-of-way (established by a subdivision plat or other recorded document) that is not owned and maintained by a public entity. [Ord. 2363]

Public road right-of-way. Road right-of-way that is owned and maintained by a public entity. [Ord. 2363]

Public street. A public right-of-way which affords the principal means of access to abutting property. [Ord. 2363]

Residential Swimming Pool. Any constructed pool which is intended for noncommercial use as a swimming pool for the enjoyment and recreation of the property owner or owners.

Retaining Wall. A wall of masonry, concrete, polymers or treated timber for holding in place a mass of earth and not used to support, provide a foundation for, or provide a wall for a building. [Ord. 1752]

Road right-of-way. A portion of land which others are legally allowed to use/cross for access, as defined by a plat or other legal document. Such areas may be publicly or privately owned. [Ord. 2363]

Road or roadway. See Road right-of-way. [Ord. 2363]

Screen. Any plants, flowers, shrubbery, hedges, trees, or other growth, fences, walls, retaining walls, structure or any tangible barrier or obstruction of material above the surface of the ground, with the purpose of preventing the view of any object from a level line of sight. The height, width and length of the screen shall be such that no views of the structure, area, vehicle or item to be screened is possible. The screen as herein defined may be located adjacent to the structure, area, vehicle, or item to be screened; may be located anywhere within the same lot or premises, or may be located on the perimeter of the lot of premises, providing that no line of sight from six feet above the ground is possible from off the premises or lot.

Semi-Private Fence. A fence that is at least 5% open, but less than 40% open as viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence.

Service Station. Any land, building, structure or premises used for the sale at retail of vehicle fuels, lubricants, accessories, or for servicing vehicles or for installing, repairing, replacing or adjusting of motors, bodies, chassis or fenders of vehicles or for painting vehicles, or storage of vehicles including those for lease or rental. (See also *automotive sales*.)

Setback. A distance from a road, property line, waterway, structure, or other defined area within which structures are prohibited or limited pursuant to the provisions of this Zoning Ordinance

1175. [Ord. 2215]

Shared private driveway. Private driveway that has more than one user. All users of the shared driveway have frontage on a road right-of-way but choose to share a driveway for convenience. [Ord. 2363]

Shielded Light Fixture. A light fixture that does not allow any light distribution or direct glare to shine above a horizontal plane from the base of the fixture and/or its light emitting surface. These fixtures reduce glare or stray light because the light source is shielded by or recessed within the fixture. (Ord. 2216)

Short-term rental. A property or any portion thereof that is rented for dwelling purposes for a period of less than 30 days. [Ord. 2164]

Sign [Definition repealed, Ord. 1662. See Section XI for definitions.]

Site Development Plan. A detailed plan for the development or redevelopment of a commercially- or industrially-zoned parcel of land exceeding two (2) acres in size depicting the precise location of all proposed buildings, structures and planting materials, the provision of necessary infrastructure, and other information as required in Section VIII of this ordinance. [Ord. 1649]

Stepping Stone Path. A path no more than 2 feet in width made up of multiple stones, each stone separated by at least 2 inches of vegetated material. [Ord. 2148]

Storage. The existence of any stock, vehicle, equipment or material enclosed or unenclosed for a period of more than 72 hours.

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

Story, Half. That portion of a building under a gable, hip, mansard, sloping, flat, or any other kind of roof. The top of the walls on at least two opposite exterior walls must be less than four and one-half feet above the finished floor on that level.

Structure. Anything constructed, erected or located on or above the ground, or anything specifically enumerated herein, the use of which requires permanent location or which, though movable, is used for a purpose which usually and customarily involves permanent location on or above the ground (including, but without limiting the generality of the foregoing, advertising signs, billboards, fences, parking spaces, driveways, sidewalks, poster panels, tennis courts, pergolas, swimming pools, playground equipment, treehouses, retaining walls, and structures for the housing of animals or fowl). Regulation mailboxes shall not be considered structures as herein defined. [Ord. 1595, 1752]

Structural Alterations. Any change in supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or exterior walls.

Unimproved road right-of-way. Road right-of-way easement created by a subdivision plat or other legal document that has not been improved and is not traversable by vehicle. [Ord. 2363]

Vendor. A person or corporation offering items or services for sale. *[Ord. 2235]*

Waterway Stabilization Wall. A gabion wall or similar structure constructed in or abutting a creek, stream or similar waterway designed to brace the banks of such waterway. *[Ord. 1752]*

Wire mesh. Metal mesh that is bonded together at the intersections of horizontal and vertical wires. Traditional chain link fences do not meet this definition. *[Ord. 2253]*

Yard. An open space on the same lot or plat of ground with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front. A yard extending across the full width of the lot between the front lot line and the nearest portion of the main building.

Yard, Primary Front. The yard between the front door or main entrance of the main building and a front lot line. *[Ord. 1784]*

Yard, Secondary Front. The yard on a through lot that is opposite the primary front yard. *[Ord. 2215]*

Yard, Rear. A yard extending across the full width of the lot between the rear lot line and the nearest portion of the main building.

Yard, Required. The area or setback distance established by the minimum dimensions in the Table in Section V-B, and measured from the lot line for side and rear yards and from the nearest right-of-way line for front yards. *[Ord. 1595]*

Yard, Side. A yard between a side lot line and the nearest portion of the main building, extending from the required front yard to the rear lot line. *[Ord. 1649]*

Vehicle, Non-commercial Automotive. Any passenger automobile of 1½ tons or less or truck not used in the conduct of any business.

SECTION XVIII. VIOLATION AND PENALTY

The owner or agent of a building or premises in or upon which a violation of any portion of any provision of this ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more than one-hundred dollars 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 nor more than two-hundred-fifty dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion of the Court. Any such person, having been served with an order to remove any such violation, failing to comply with said order within ten days after such notice or continuing to violate any provision of the regulations made under authority of this ordinance in the respect named in such order, shall also be subject to a civil penalty of two-hundred and fifty dollars.

SECTION XIX. VALIDITY

If any section, subsection, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION XX. PRIOR ORDINANCES REPEALED, including:

Ordinance 917 adopted April 3, 1967, together with amendatory ordinances 958, 966, 1007, 1009, 1030, 1033, 1041, 1093, 1122, 1125, 1127, and 1142.

SECTION XXI. DATE OF ADOPTION

This ordinance shall be in force from and after its passage and approval.

PASSED THIS 25TH DAY OF JULY, 1977.

(Signed) EDITH J. SPINK
MAYOR

APPROVED THIS 27TH DAY OF OCTOBER, 1977.

(SEAL)

(Signed) EDITH J. SPINK
MAYOR

ATTEST:

(Signed) VINCENT E. KOMOR,
City Clerk

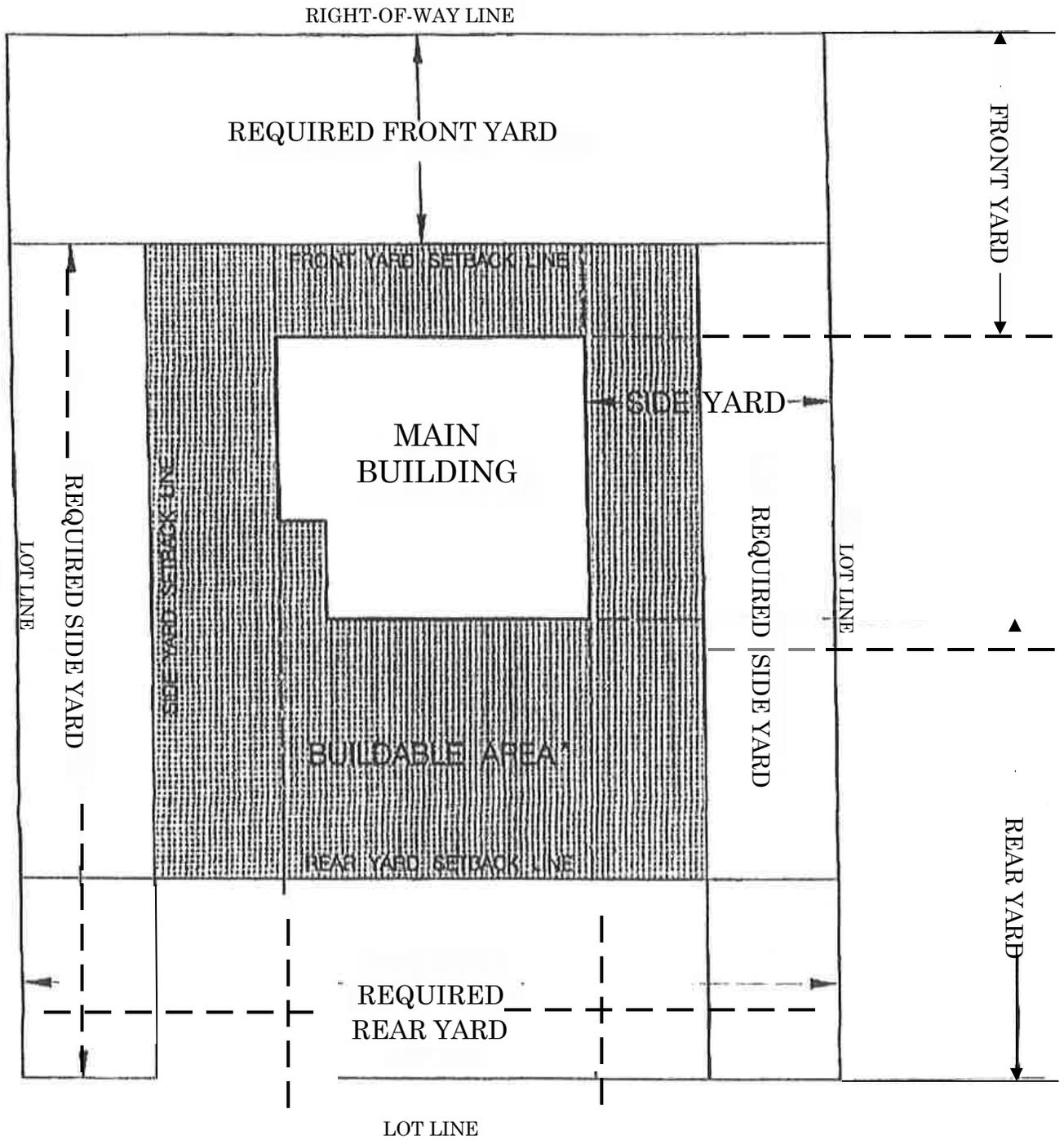


Diagram Showing Yard Locations and Yard Setback Lines of a Typical Lot

*Buildable area is shaded