

ORDINANCE NO. 990504

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI ADOPTING "THE WOOD HEIGHTS ZONING ORDINANCE." IN ORDER TO PROMOTE THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS, CONVENIENCE, AND GENERAL WELFARE OF THE CITY OF WOOD HEIGHTS.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1.

THE CITY OF WOOD HEIGHTS SHALL ADOPT SECTION 100.010 THROUGH SECTION 100.235 OF THE ZONING REGULATIONS PRESENTED BY PLANNING AND ZONING COMMISSION OF THE CITY OF WOOD HEIGHTS IN ITS ENTIRETY.

SECTION 2.

ANY PERSON, FIRM OR CORPORATION FOUND GUILTY OF VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL, UPON CONVICTION THEREOF, BE FINED IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN NINETY DAYS OR BOTH SUCH FINE AND IMPRISONMENT. EACH DAY SUCH VIOLATION IS COMMITTED SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE AS SUCH HEREUNDER.

SECTION 3.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL.

SECTION 4.

ALL EXISTING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith ARE HERBY REPEALED ON THE EFFECTIVE DATE HEREOF.

SECTION 5.

READ TWO TIMES AND PASSED THIS 4TH DAY OF MAY 1999.



MAYOR

ATTEST:

CITY CLERK



CITY SEAL

TITLE I. ZONING CODE

CHAPTER 100: ZONING REGULATIONS

SECTION 100.010: TITLE

This Chapter shall be known, cited, and referred to as "The Wood Heights Zoning Ordinance."

SECTION 100.020: PURPOSE AND INTENT

This Chapter is adopted for the purpose of:

1. Promoting the public health, safety, comfort, morals, convenience, and general welfare.
2. Securing adequate light, pure air, and safety from fire and other dangers.
3. Conserving the value of land and buildings throughout the city of Wood Heights.
4. Assure a means of efficient and safe vehicular and pedestrian circulation throughout the city.
5. To these ends, this chapter is designed to establish certain standards and objectives by:
 - a. Dividing the entire city of Wood Heights into districts and restricting and regulating therein the location, construction, reconstruction, alteration and use of building structures, and land, whether for residence, business, manufacturing, or other specified uses.
 - b. Avoiding or lessening congestion in the public streets.
 - c. Preventing the overcrowding of land through regulating and limiting the height and bulk of buildings hereafter erected as related to land area.
 - d. Establishing regulations and limiting the building or setback lines on or along streets, alleys or property lines.
 - e. Regulating and limiting the intensity of the use of land, and defining and regulating the area of open spaces within and surrounding such uses.
 - f. Establishing spatial standards to which buildings or structures therein shall conform.
 - g. Prohibiting uses, buildings or structures incompatible with the character of nearby residence, business or manufacturing districts.
 - h. Preventing additions to, and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.

- i. Providing for the gradual elimination of those uses, buildings and structures which are incompatible with the character of the districts in which they are located; including, without being limited thereto:
 1. Elimination of such uses of unimproved lands or lot areas when existing rights of the persons in possession thereof are terminated, or when the uses to which they are devoted are discontinued;
 2. Elimination of uses to which such buildings and structures are devoted, if they are adaptable to permitted uses;
 3. Elimination of such buildings and structures when they are destroyed or damaged in major part.
- j. Defining and limiting the powers and duties of the administrative officers and bodies hereafter.
- k. Prescribing penalties for the violation of the provisions of this Chapter, or any amendment thereto.

SECTION 100.030: DEFINITIONS

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;
2. The present tense includes and the future tenses and the future the present;
3. The word "shall" is mandatory while the word "may" is permissive;
4. The masculine gender includes the feminine and neuter;
5. Whenever a word or term defined hereinafter appears in the text of this Chapter its meaning shall be construed as set forth in the definition thereof;
6. All measured distances shall be the nearest integral foot; if a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken;
7. The following words and terms wherever they occur in this Chapter shall be construed as herein defined.

AGRICULTURE: The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Clay and Ray Counties. The raising and feeding of livestock and poultry shall be considered agriculture if the area in which the livestock or poultry is kept is a part of an ownership of ten (10) acres or more, the primary use of which is row crops or grazing. Stockyards, sale of machinery, feed lots, grain elevators, and similar commercial operations shall not be included in this definition.

AIRPORT: Any premises which are used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used, or intended for use, for airport buildings or other airport structures or right of way together with all airport buildings and structures located therein.

ALLEY: A right of way with a width not exceeding twenty-four (24) feet which affords a secondary means of access to abutting property.

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

ANIMAL HOSPITAL: Any building, or portion thereof, designed or used for the care, observation, or treatment of domestic animals.

AUTOMATIC CAR WASH: Any building, or portion thereof, where automobiles are washed using a conveyor, blower, steam-cleaning equipment, or other mechanical device of production-line nature.

AUTOMOBILE SERVICE STATION: Any building, or portion thereof, or premises used for dispensing or offering for sale at retail any automotive fuels or oils, having pumps and storage tanks thereon; or where battery, tire, and other similar services are rendered, but only if rendered wholly within the lot lines. When dispensing, sale or offering for sale is only incidental to the conduct of a repair garage, the premises are classified as repair garage. Automobile service stations do not include open sale lots or vehicle storage lots.

AUTOMOBILE SALVAGE OR WRECKING YARD: Any area of land where three (3) or more inoperable motor vehicles, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the stripping, wrecking or storing of such automobiles or parts thereof and which may include sale of parts of vehicles.

BASEMENT: A portion of a building located partly underground, but having more than half (1/2) its floor-to-ceiling height below the average grade of the adjoining ground.

BLOCK: A tract of land bounded by streets or by a combination of one (1) or more streets and public parks, cemeteries, railroad right of way, or shore lines of waterways or corporate boundary lines.

BOARDING OR LODGING HOUSES: A residential building containing one (1) or more rooms which have no cooking facilities and which are occupied by persons other than members of the immediate family and which may or may not include meals.

BUILDING: Anything constructed for shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, ACCESSORY: A subordinate building or portion of a principal building the use of which is incidental to that of the principal building and customary in connection with that use.

BUILDING, DETACHED: A principal building surrounded by open space on the same lot.

BUILDING HEIGHT: The vertical distance measured from the average finished grade adjoining the building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevators, penthouses, tanks and similar projections shall not be included in calculating the height.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING, RESIDENTIAL: A building arranged, designed, used or intended to be used for residential by one (1) or more families.

BUILDING, TEMPORARY: Any building not designed to be permanently located, placed, or affixed in the place where it is situated.

BULK: A composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

1. Size and height of building,
2. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings,
3. Gross floor area of the building in relation to lot area (floor area ratio),
4. All open spaces allocated to the building, and
5. Amount of lot area provided per dwelling unit.

BUSINESS: An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold or where services are offered.

CALIPER: A measurement of size of a shade tree, that being the diameter of the trunk measured one (1) foot above the ground surface or top of earth ball.

CAMPGROUND: An area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of sleeping while travelling by automobile.

CLUB OR LODGE, PRIVATE: An association of persons who are bona fide members, paying dues, and being generally restricted to members and their guests.

CLUSTER HOUSING: The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.

COMMERCIAL TRUCKS OR BUSES: A truck or bus licensed at or above eighteen thousand (18,000) pounds gross vehicle weight.

CONDOMINIUM: A type of ownership whereby portions of a building are separately owned under a condominium statutes of the State of Missouri.

CONGREGATE LIVING: A style of living whereby senior adults reside in separate sleeping quarters but utilize common dining and recreations facilities.

COURT: An open, unoccupied space, other than a yard, bounded on three (3) or more sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.

CURB LEVEL: The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be established level of a center line of the street surface in front of a building or structure measured at the center line of such front.

DAYCARE CENTER: A building wherein children not being of the same family, are kept during portions of the day when the children's parents are employed or otherwise occupied elsewhere.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. As used in this Chapter decibel levels shall be measured on the "A Scale" and referred to as "db (A)".

DRIVE: A right of way which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

DRIVE-IN ESTABLISHMENT: A place of business operated for the retail sale of food and other goods, services, or entertainment; where patrons may be served or otherwise conduct their business while remaining in the automobile which is parked in a space provided on the premises.

DRIVE-THRU SERVICES: Any business wherein a patron is served through a window or other device while remaining in a motor vehicle and where products served to persons in a vehicle are not normally consumed on the premises.

DOG KENNEL: Any premises where three (3) or more dogs are owned, boarded, bred, and/or offered for sale.

DWELLING: A building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing houses, tourist homes, motorhomes or recreation vehicles.

DWELLING UNIT: One (1) or more rooms constituting all or part of a dwelling and which are arranged, designed, used, or intended for use exclusively as a single housekeeping unit for one (1) family, and which includes cooking, living, sanitation, and sleeping facilities.

DWELLING – SINGLE – FAMILY: A dwelling containing one (1) dwelling unit.

DWELLING – TWO – FAMILY (DUPLEX): A dwelling containing two (2) dwelling units.

DWELLING – MULTIPLE – FAMILY: A dwelling, or portion thereof, containing three (3) or more dwelling units.

FAMILY: One (1) or more persons, each related to the other by blood, marriage, or legal adoption, or group of not more than four (4) persons not so related, and maintaining a common household and using one (1) set of kitchen facilities in a dwelling unit. A family may include not more than two (2) roomers, boarders, or permanent guests not a part of a common household, whether or not gratuitous.

FENCE – SOLID: A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties, streets, alleys or public ways, materials stored and operations and activities conducted behind it.

FLOOR – TOTAL AREA: The sum of the gross horizontal areas of all floors in a building measured in square feet, including the basement floor, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouses; attic space having headroom of seven (7) feet ten (10) inches or more; interior balconies and mezzanines; enclosed porches; and floor devoted to accessory uses, provided that any space devoted to off-street parking or loading shall not be included in the total floor area.

FLOOR AREA FOR THE PURPOSE OF DETERMINING OFF-STREET PARKING REQUIREMENTS: The total floor area of the building, expressed in square feet, measured from the exterior surface of outside walls, and including mezzanines, upper floors, whether finished or not, from which is subtracted the floor area of washrooms, elevator shafts, stairways, mechanical room and any permanent shopping center malls.

FLOOR AREA RATIO: The numerical value obtained through dividing the floor area of a building or buildings by the area of the lot on which such building or buildings are located.

GARAGE – DETACHED: A free standing “accessory building” as defined above which is not part of a principal structure. A “detached garage” may not be a principal structure or be allowed on a lot or parcel in a residential district where no principal structure is located.

GARAGE – PRIVATE: An accessory building or an accessory portion of the principal building, including a carport, which is intended for an used for storing of private passenger vehicles of the persons, family of families using the premises; as well as the storage of boats, campers and recreational vehicles; and for legally permitted hobby and craft pursuits of the persons, family or families using the premises.

GARAGE – STORAGE: A building or premises used for housing motor vehicles pursuant to previous arrangements and for duration greater than three (3) days.

GARDEN APARTMENTS: An apartment building located on a lot, either singly or together with other similar apartments buildings, generally having a low density of population and having substantial landscaped open space adjacent to the dwelling units.

GROUND FLOOR AREA: The lot area covered by a building measured from the exterior faces of exterior walls, but excluding open terraces or open porches, garages or carports.

GROUP HOME: A residential facility for five (5) or more persons, who for various reasons, cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation shall exist.

GUEST – PERMANENT: A person who occupies or has the right to occupy, a residence or dwelling accommodation for a period of thirty (30) days or more.

HEIGHT OF STRUCTURE OTHER THAN A BUILDING: The vertical distance from the average ground level at the base of the structure to the highest part thereof.

HOME OCCUPATION: Any gainful occupation, business or profession conducted in a dwelling by a member of the immediate family residing on the premises.

HOTEL: A building containing lodging rooms, a common entrance and lobby, halls and stairways, and which lodging rooms do not have doorways opening directly to the outdoors except for emergencies; and where more than fifty percent (50%) of the lodging rooms are for rent, with or without meals, to transient guests for a continuous period of less than thirty (30) days.

HOTEL – APARTMENT: A hotel, except more than fifty percent (50%) of the lodging rooms are available for permanent guests.

JUNK YARD: An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto wrecking yard, but does not include uses carried on entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap metal for the manufacture of steel on the same premises.

LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the principal investigative or research function.

LANDSCAPING: The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

LODGING ROOM: A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suit of rooms, each room shall be counted as one (1) lodging room.

LOT: A parcel of land occupied by, or intended for occupancy by, one (1) principal building, unified groups of buildings or principal use, and having access to a public street. A lot may be one (1) or more platted lots, or tract or tracts as conveyed, or parts thereof.

LOT AREA: The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT CORNER: A lot situated at the junction of, and abutting on two (2) or more intersecting streets. A corner lot shall be deemed to front on that street on which it has its least dimension unless otherwise specified by the Building Official.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE: A property boundary line of any lot.

LOT LINE – FRONT: That boundary line between a lot and the street on which it fronts.

LOT LINE – REAR: That boundary of a lot which is opposite and most distant from and is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE – SIDE: Any boundary of a lot which is not a front or rear lot line.

LOT – REVERSED CORNER: A corner lot where the side lot line adjoining the street is substantially a continuation of the front line of the first (1st) lot to its rear.

LOT – THROUGH: An interior lot having frontage on two (2) streets.

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

MOBILE HOME: A residential structure, assembled in total or in not more than three (3) sections at the factory, and transported over the road on its own wheel carriage to a destination, and which may be moved from one (1) destination to another.

MOBILE HOME PARK: A tract of land having a system of utilities including water supply, sanitary sewers, power and telephone, which utilities are available to mobile homes which may be placed on the property on a temporary or permanent basis for residential purposes.

MOTEL OR MOTOR HOTEL: A building containing lodging rooms having adjoining individual bathrooms, and used primarily by transient guests traveling by automobile.

MOTOR FREIGHT TERMINAL: A building or premises in which freight is received or dispatched by motor vehicle.

MOTOR VEHICLE: Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

NAMEPLATE: A sign indicating the name and address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

NOXIOUS MATTER: Material which is capable of causing injury or physical discomfort to living organisms by chemical reaction or is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.

NURSING HOME: A residential establishment for the care of persons requiring a continuous and moderate level of health care.

OPEN SALES LOT: Any land used or occupied for the purpose of displaying, buying or selling merchandise, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, or for similar items or for the storing of same prior to sale.

PARTICULATE MATTER: Material which is suspended in or discharged into the atmosphere in finely divided form as liquid or solid atmospheric temperature and pressure.

PARTY WALL: A wall which is common to but divides contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare, heat, or other effect generated by or inherent in the uses of land or buildings.

PLANNED ZONING DISTRICT: The zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

PLANNING AND ZONING COMMISSION: The duly appointed advisory board having duties and jurisdiction in the City of Wood Heights as set out in Missouri Statutes and local ordinances and which board may be referred to herein as "Planning Commission" or "Commission".

RECYCLING: The separation and reuse of materials which might otherwise be disposed of as solid waste.

REFUSE: Waste products resulting from human habitation or the conduct of business or industry, except sewage.

ROOMING HOUSE: A building, or portion thereof, containing lodging rooms which accommodate persons which are not members of the keeper's family and where lodging rooms or meals, or both, are provided for compensation.

SCREENING: A structure erected or vegetation planted as a screen designed to conceal structures, materials and operations conducted behind it.

SENIOR ADULT: A person fifty-five (55) years of age or older.

STORAGE: The word storage, stored or store when used in this Chapter shall mean the keeping of materials, equipment or products of the following nature:

1. In Residential Districts the keeping of building materials, industrial equipment, semi-trailer trucks, recreational vehicles and equipment and similar items for a period of time longer than would normally be involved in the day to day use or consumption of the same. The keeping of motor passenger cars, pickup trucks and similar vehicles used for daily transportation by occupants of the premises; recreational equipment and vehicles which are used one (1) or more times per month for recreation purposes during the period of keeping on the premises;

and construction materials and equipment which are being used on construction on the premises shall not be considered storage.

2. In commercial and industrial districts the keeping of merchandise, raw materials, products, or equipment which are a necessary part of the sales, manufacturing or other activity on the premises.

STORY: The part of a building included between the surface of one (1) floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is half (1/2) story when the main line of the eaves is not above the middle of the interior height of such story. The first (1st) story is a half (1/2) story when between fifty percent (50%) and 75 percent (75%) of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than fifty percent (50%) of the area of the walls of the first (1st) story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of a multiple-family dwelling may not be occupied as a resident by other than a caretaker or manager.

STREET: A right of way which affords a primary means of access to abutting property.

STRUCTURAL ALTERATION: Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams, or girders.

STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

TRAILER: A vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

TRAILER ADVERTISING: A trailer, as defined above, but carrying or having attached thereto, a sign, billboard, lettering or other media for advertising or announcing a business, premises or event.

TRAILER – HAULING: A trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

TRAVEL TRAILER, RECREATION VEHICLE OR MOTOR HOME: A portable structure mounted on wheels or on a motorized chassis, including converted bus, and which is normally used as sleeping quarters and shelter while travelling but not as a dwelling.

USE: The purpose or activity for which the land or building thereon is designed, arranged, or intended or for which it is occupied or maintained.

USE – ACCESSORY: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal building or use.

USE – NON-CONFORMING: Any use of a building or premises which on the effective date of this Chapter does not, even though lawfully established, comply with all of the applicable use regulations as set forth herein for the Zoning District in which such building or premise is located.

USE – PERMITTED: Any building, structure, or use, which on the effective date of this Chapter, complies with the applicable regulations governing permitted uses in the Zoning District in which such building, structure, or use is located.

USE – PRINCIPAL: The main use of land or building as distinguished from a subordinate or accessory use.

UTILITY BUILDING: A free standing building in a Commercial or Industrial District which houses secondary or incidental equipment or functions of the principal use. Utility buildings are subject to all of the Zoning and Building Code provisions of the Municipal Code of Wood Heights.

VARIANCE: A variation of or relief from a specific requirement in this Chapter as applied to a specific property as approved by the Board of Adjustment.

YARD: An open space on a lot which is generally unoccupied and unobstructed from ground level to the sky, except as otherwise permitted in this Chapter. A yard extends along a lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

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

YARD – REAR: The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line extending for the full width of the lot.

YARD – SIDE: A yard extending along a side lot line between the front and rear yards.

SECTION 100.040: GENERAL PROVISIONS

A. Interpretation.

1. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of Wood Heights.
2. Where the condition imposed by any provision of this Chapter upon the:
 - a. Use of land or buildings;
 - b. The bulk of buildings;
 - c. Floor area requirements;
 - d. Lot area requirements; and
 - e. Yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of the Chapter or of the adopted Building Code, any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
3. This Chapter is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Chapter are more restrictive or impose higher standards, such requirements shall govern.
4. No building, structure, or use not lawfully existing at the time of the adopting of this Chapter, shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this Chapter, said building, structure, or use remains unlawful hereunder.

- B. *Separability.* It is hereby declared to be the intention of the City Council of the city of Wood Heights that the several provision of this Chapter are separable, in accordance with the following:
1. If any court of competent jurisdiction shall adjudge any provisions of this Chapter to be invalid, such judgement shall not affect any other provisions of this Chapter not specifically included in such judgement.
 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.
- C. *Building on Lot.* In a single-family residence district, every single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall not be more than one (1) principal building on one (1) lot except as may be approved in the planned zoning process.
- D. *Allowable Use of Land or Buildings.* The following uses of land or buildings are allowed in the district indicated on the Zoning District Map and under the conditions specified in this Chapter.
1. Uses lawfully established on the effective date of this Chapter.
 2. Permitted uses as designated in Sections 100.070 through 100.235 inclusive.
- E. *Prohibited Use of Land or Buildings.* No building or tract of land shall be devoted to any use other than one (1), which is specified as a Permitted Use, Accessory Use, or Special Use in Section 100.070 through 100.120 inclusive. However, where a building permit for a building or structure has regulations or where plans for a building or structure of this Chapter, a period of transition is provided.
- F. *Control Over Use.* No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, moved, reconstructed, enlarged, altered, except in conformity with the regulations herein specified for the district in which it is located; except that in Residence Districts a lot in single ownership which was of record at the time of adoption of this ordinance, even though not meeting the requirements of this Chapter as to the area and width, may be used for single-family residence purposes, provided that such use conforms with all other applicable regulations of this Chapter.
- G. *Special Uses.* To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district of districts, but which have characteristics which are unusual and which prevent their inclusion in the Standard Zoning Districts contained herein, a classification of Special Uses is hereby established. Procedures for Special Uses are set forth in Section 100.230

SECTION 100.050: NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

- A. *Statement of Purpose.* The purpose of this Section is to provide for the regulation of non-conforming uses, buildings, and structures.
- B. *Authority to Continue Non-Conforming Buildings, Structures, and Uses Thereof.* Any non-conforming building, structure, or use which existed lawfully at the time of adoption of this Chapter and which remains non-conforming, and any such building, structure or use which shall become non-conforming upon the adoption of this Chapter or of any subsequent amendment thereto, may be continued in accordance with the regulations which follow.

- C. *Restrictions on Non-Conforming Buildings, Structures, and Uses Thereof.* Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located shall be subject to the provisions of this Subsection.
1. *Repair.* Ordinary repairs may be made to a non-conforming building or structure. Ordinary repairs shall be determined by the Building Official and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.
 2. *Alterations and enlargements.*
 - a. A non-conforming building or structure which is non-conforming only as to height, yard, parking or loading regulations may be altered, including structural alterations, or enlarged provided such alteration or enlargement complies with the regulations of this Chapter.
 - b. A non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district where it is located shall not be added to or enlarged unless such non-conforming building or structure and additions thereto are made to conform with all regulations herein for the district in which it is located.
 3. *Restoration of damaged non-conforming building.* A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent of not more than fifty percent (50%) of its true current value may be restore to its original size and occupancy. Such restoration shall be completed within twelve (12) months of the date of damages provided any time for litigation shall not be counted in the twelve (12) month period. Said building or structure, if destroyed or damaged to an extend greater than fifty percent (50%) of its true current value, shall be restored only if said building or structure, and the use thereof, shall conform to all regulations of this district in which it is located.
 4. *Discontinuance of use of non-conforming building or structure.* A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant on the effective date of this Chapter or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one hundred and eighty (180) days, shall not thereafter be occupied or used, except by a district in which it is located. A building or structure which is non-conforming only as to height, yard, parking or loading requirements shall not be subject to this provision.
 5. *Expansion of use in non-conforming building or structure.* The non-conforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but on structural alterations shall be made unless such structural alterations, and the use thereof, conform to all regulations of the district in which the building or structure is located.
 6. *Change of use in non-conforming building or structures.* The non-conforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located; but no change shall extend or otherwise modify any provision in this Chapter for elimination of such non-conforming building or structure, and the use thereof.
- D. *Non-Conforming Use of Conforming Buildings or Structures.* The lawfully existing non-conforming use of a part or all of a building or structure, all or substantially all of which building

or structure designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

1. *Expansion of non-conforming use.* The non-conforming use of a part of a building or structure, all or substantially all of which building or structure is designed or intended for use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.
 2. *Discontinuance.* If a non-conforming use of a building or a structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of ninety (90) days, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
 3. *Change of non-conforming use.* No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
- E. *Non-Conforming Use of Land.* The non-conforming use of land not involving a building or where any building or structure thereon is merely incidental or accessory to the principal use of the land, may be continued subject to the following provisions:
1. *Expansion.* A non-conforming use of land shall not be expanded beyond the area it occupies.
 2. *Discontinuance.* If a non-conforming use of land is discontinued for a period of one hundred and eighty (180) days it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
 3. *Change of use.* A non-conforming use of land shall not be changed to any other use, except to use permitted in the district in which the land is located.
 4. *Elimination of non-conforming use of land.* The non-conforming use of land shall in certain cases be discontinued and cease in accordance with the following:
 - a. Where no building or structures are employed in connection with such use, discontinued within one (1) year.
 - b. Where such use is maintained in connection with a conforming building or structure, except for inadequate off-street parking facilities may be continued for so long as the premises are so used.
 - c. Where non-conforming use of land is accessory to the non-conforming use of a building or structure, discontinued on the same date on which the non-conforming use of the building or structure is discontinued.
 - d. Where the use of commercial or industrial land is rendered non-conforming by this or any other ordinance.

SECTION 100.060: ZONING DISTRICTS

- A. *Establishment of Districts.* In Order to carry out the purposes and provisions of this Chapter the City of Wood Heights, is hereby divided into the following districts:

District "A"	-	Agriculture District.
District "R-1"	-	Medium Density Single-Family Residential District.
District "R-2"	-	Two-Family Residential District.
District "R-3"	-	Cluster, Townhouses or Garden Type Residential District.
District "R-4"	-	Medium Density Apartment District.
District "R-5"	-	High Density Apartment District.
District "RMP"	-	Mobile Home Park District.
District "C-0"	-	Non-Retail Business District.
District "C-1"	-	Local Business District.
District "C-2"	-	General Business District.
District "C-2A"	-	Special Business District.
District "C-3"	-	Service Business District.
District "M-1"	-	Light Industrial District.
District "M-2"	-	General Industrial District.

B. *Planned Zoning Districts.* Each of the districts hereinbefore set forth excepting Districts "RMP" and "C-2A" shall have a separate and distinct counterpart known and herein referred to as a Planned District. A Planned District shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of building, structures, roads, drives, variation in yards and open spaces, all subsequent to approval of the plan by the local officials. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations.

District "RP-1A"	-	Planned Low Density Single-Family Residential District.
District "RP-1B"	-	Planned Standard Single-Family Residential District.
District "RP-1C"	-	Planned Medium Density Single-Family Residential District.
District "RP-2"	-	Planned Two-Family Residential District.
District "RP-3"	-	Planned Cluster, Townhouses or Garden Type Residential District.
District "RP-4"	-	Planned Medium Density Apartment District.
District "RP-5"	-	Planned High Density Apartment District.
District "CP-0"	-	Planned Non-Retail Business District.
District "CP-1"	-	Planned Local Business District.
District "CP-2"	-	Planned General Business District.
District "CP-3"	-	Planned Service Business District.
District "MP-1"	-	Planned Light Industrial District.
District "MP-2"	-	Planned General Industrial District.

C. *Objectives.* The zoning of Wood Heights to one (1) of the Planned Districts ("RP-1A" to "MP-2" inclusive) shall be for the purpose of requiring orderly development on a quality level generally equal to that of the equivalent Standard Zoning Districts, but permitting variations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale development tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific conditions and objectives of planned zoning.

1. A proposal to rezone land to a Planned District shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, as is normal in rezoning deliberations.
2. The submittal by the developer and the approval by the City of development plans represent a firm commitment by the developer that development will indeed follow the approved plans in concept, intensity of use, aesthetic levels and quantities of open space.

3. Deviations in yard requirements, setbacks and relationship between buildings are acceptable and may be approved within the limits set out in "Standards of Development" in this Section, if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will result than under standard zoning procedures.
4. Residential areas will be planned and developed in a manner that will produce more usable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.
5. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.
6. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
7. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space or other established development criteria.
8. No use will be permitted in the Planned District that is not clearly permitted in the equivalent district.
9. Any building or portion thereof may be owned in condominium under appropriate Missouri Statutes.

D. Standards of Development in Planned Zoning Districts.

1. The maximum height of buildings and structures shall be as set out in the equivalent district.
2. The intensity of land use, the floor area and bulk of buildings, the concentration of population, the percentage of lot coverage, the amount of open space, light and air shall be generally equal to that required in the equivalent Zoning District.
3. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the equivalent district.
4. The permitted uses shall be the same as those permitted in the equivalent district, provided that limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.
5. The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve deviations from the minimum standards in the equivalent district as follows:
 - a. Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent (75%) of the Chapter requirement.
 - b. Setbacks of buildings and paved areas from a property line of the project (other than a street line) may be reduced to eighty-five percent (85%) of the Chapter requirements.

- c. Side yards between buildings may be reduced to zero.
- d. A portion of the parking area required under this Chapter may remain unimproved until such time as the City Council deems it must be improved to serve the demand adequately.

The foregoing deviations may be granted by the Planning and Zoning Commission only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases such deviations shall be in keeping with good land planning principles, and must be specifically set out in the minutes of the Commission, as well as on plans and other exhibits in the record.

- E. *Procedures.* The procedure for zoning land to a Planned District shall be established by the Planning and Zoning board.
- F. *Conformance to Master Plan.* In the consideration of a change to a Planned Zoning District, the Planning and Zoning Commission and governing body shall determine whether the proposal conforms to master plans, special studies and policies normally utilized in making zoning decisions in the City of Wood Heights.
- G. *Map.* The location and boundaries of the districts established by this Chapter are set forth in the "Zoning District Map," which is hereby made a part of this Chapter. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein. The said map shall be filed with the Office of the City Clerk and copies thereof in the Office of the Building Official, and shall be open to the public reference at all times during which those offices are open.
- H. *Boundaries of Districts.* When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:
 - 1. District boundary lines are either the centerlines of railroads, or the right of way lines of highways, streets, alleys, tract or lot lines, or such lines extended, unless otherwise indicated.
 - 2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street, highway, or railroad, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the property line of the street, highway, or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from the property lines of streets, highways or railroad right of way unless otherwise indicated.
 - 3. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend over the entire lot, but not more than twenty-five (25) feet beyond the mapped boundary line of the district.
- I. *Exemptions.* The following City-owned and operated utility uses are permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment. However, installation shall conform with applicable Federal, State and local government rules and regulations other than zoning

SECTION 100.070 DISTRICT "A" – AGRICULTURE DISTRICT

B. *Height and Area Regulations.* In a District "R-1" the height of buildings, the minimum dimensions of lot and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. *Height.* Building or structures shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except that on lots having a natural slope, a full three (3) stories may be exposed above grade on the downhill side.
2. *Front yards.* Any dwelling hereafter constructed shall provide for a front yard, the minimum depth of which shall be twenty-five (25) feet.
3. *Side yards.* There shall be a side yard on each side of the dwelling, the minimum depth of which shall be not less than seven (7) feet. Dwellings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet.
4. *Rear yards.* The depth of the rear yard shall be at least twenty-five (25) feet.
5. *Lot area per family.* Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than seven thousand five hundred (7,500) square feet per family, provided that where a lot has less area than herein required in separate ownership at the time of the passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling. In order to carry out this provision for use of lots having less than seven thousand five hundred (7,500) square feet, corresponding reductions in yards, floor area or parking may be required, and are hereby authorized, only to the minimum extent necessary, and only on joint concurrence of a staff committee consisting of at least the Building Official, Fire Chief and Planning Director. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, only a single-family dwelling may be constructed and the minimum lot area therefor shall be determined by the County Health Officer.
6. *Lot width.* The width of a lot, measured at the front building line, shall not be less than seventy (70) feet provided that where a lot has less width than herein required in separate ownership at the time of the passage of this Chapter, this regulation shall not prohibit the erection of a single-family dwelling.
7. *Floor area.* No single-family dwelling shall be constructed, reconstructed, altered or moved unless it contains a total floor area, finished for living purposes, of not less than one thousand one hundred (1,100) square feet.
8. *Parking Regulations.* Three (3) off-street parking spaces shall be provided for each single-family dwelling, at least one (1) of which shall be enclosed.
9. *Height and area standard exceptions.* The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve one (1) or more deviations from the standard requirements as follows:
 - a. Setbacks of buildings and paved areas from a public street may be reduced by ten percent (10%) of the standard requirement.
 - b. Side and rear yards between buildings may be reduced by ten percent (10%) when the Planning and Zoning Commission have been assured that adequate open space for the project and between buildings has been established.
 - c. Setbacks of buildings and paved areas from a freeway may be reduced by ten percent (10%).

2. Front yard. There shall be a front yard the minimum depth which shall be fifty (50) feet.
 3. Side yards. There shall be a side yard on each side of a dwelling of not less than fifteen (15) feet.
 4. Rear yard. There shall be a rear yard the minimum depth of which shall be fifty (50) feet.
 5. Lot width. The minimum width of a lot shall be one hundred fifty (150) feet provided that where a lot of record has less width than herein required in separate ownership at the time of passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling.
 6. Lot area. Every dwelling hereafter erected, constructed, reconstructed, moved or altered shall provide a lot area of not less than one (1) acre (forty-three thousand five hundred sixty (43,560) square feet), provided that where a lot of record has less area than herein required in separate ownership at the time of the passage of this Chapter, this regulation shall not prohibit the erection of a single-family dwelling.
 7. Minimum dwelling size. Minimum size of single-family dwelling shall be eight hundred and fifty (850) square feet of living floor area.
- C. *Subdivisions Prohibited.* The subdivision of land for the purpose of converting agricultural or other undeveloped land to residential or business use and where the opening of new streets or roadways is contemplated to accomplish this purpose is not permitted in District "A".

SECTION 100.080 DISTRICT "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. *Permitted Uses.* In District "R-1" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses.
1. Dwellings, one-family;
 2. Parks and playgrounds, including recreation or service buildings and swimming pools, which are owned or operated by a governmental agency;
 3. Public schools, elementary and high, and the accessory uses normally associated with such institutions; private schools, with curriculum equivalent to that of a public elementary or high school and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus;
 4. Golf courses and clubhouses appurtenant thereto, (except miniature golf courses, driving ranges and other similar activities operated as a business);
 5. Railroad rights of way, not including railroad yards;
 6. Agriculture, provided no feed lot, pens or concentration of livestock or poultry shall be located closer than five hundred (500) feet to a dwelling;
 7. Nurseries, and truck gardens limited to the propagation and cultivation of plants; provided no retail or wholesale business shall be conducted upon the premises;
 8. Churches and synagogues.

A. *Permitted Uses.* In District "A", no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:

1. Farming, dairy farming, livestock and poultry raising and all uses commonly classed as agriculture. There shall be no restrictions on operation of vehicles, or machinery customarily incidental to such uses: of the sale or marketing of products raised on the premise, provided that any building, structure or yard hereafter used or constructed for the raising, feeding or housing of livestock or poultry shall conform to existing appropriate ordinances
2. Churches and publicly owned and operated community buildings, public museums, public libraries;
3. One-Family dwellings;
4. Fish hatcheries, apiaries, aviaries;
5. Forests, wildlife and conservation preserves;
6. Fur farming;
7. Golf courses and clubhouses customarily incident thereto except miniature golf, driving ranges and similar activities used as a business;
8. Kennels, provided that the pens and buildings shall not be located closer than five hundred (500) feet to a dwelling in a District "R-1" to "R-5", inclusive;
9. Mushroom barns and caves;
10. Nurseries, greenhouses and truck gardens;
11. Picnic groves;
12. Publicly-owned parks and playgrounds, including public recreation or service buildings within such parks, public administration buildings, police, fire stations and City-owned and operated buildings, structures, and substations;
13. Public schools, elementary and high and private schools with curriculum equivalent to that of a public elementary or high school and institutions of higher learning, including stadium and dormitories in conjunction, if located on the campus;
14. Railroad rights of way not including railroad yards;
15. Riding stables and riding tracks;
16. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses;

B. *Height and Area Regulations.* In District "A" the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows:

1. Height. Buildings or structures shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

- d. Lot area and lot width may be reduced by ten percent (10%) of the standard requirement. Any common open space resulting from the variance of such density standard shall be set aside for the use and benefit of the occupants of such development.
- e. Compensating open space shall include conservation areas, combination sidewalk/bikeways, decorative street lighting, monumentation, landscaping, perimeter buffers, and/or the granting of additional rights-of-way.
- f. The foregoing deviations (a) through (d) may be granted by the Planning and Zoning Commission only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

SECTION 100.110: DISTRICT "R-2" – TWO-FAMILY RESIDENTIAL DISTRICT

- A. *Permitted Uses.* In District "R-2" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
 - 1. Any use permitted in District "R-1".
 - 2. Dwellings, two-family, commonly referred to as duplexes.
- B. *Height and Area Regulations.* In District "R-2" the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows provided the single-family dwellings in this district shall comply with the height and area regulations of District "R-1".
 - 1. *Height.* Building or structures shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
 - 2. *Front yards.* Any dwelling hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet.
 - 3. *Side yards.* There shall be a side yard on each side of the dwelling, the minimum depth of which shall be not less than seven (7) feet. Dwellings on corner lots shall provide a side yard on the street side of not less than thirty (30) feet.
 - 4. *Rear yards.* The depth of the rear yard shall be at least twenty-five (25) feet.
 - 5. *Lot area per family.* Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than ten thousand eight hundred (10,800) square feet per family for each single-family dwelling, or five thousand four hundred (5,400) square feet per family for two-family dwellings, provided that where a lot has less area than herein required in separate ownership at the time of the passage of this Chapter, this regulation shall not prohibit the erection of a one-family dwelling.
 - 6. *Lot width.* The width of the lot shall be at least ninety (90) feet except that two-family dwellings which otherwise comply with the Codes and ordinances of the City of Wood Heights may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute violations of the lot and yard requirements of this Chapter.

7. *Parking Regulations.* Three (3) off-street parking spaces shall be provided for each family dwelling unit, at least one and one-half (1 1/2) of which shall be enclosed.

8. *Height and area standard exceptions.* The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve one (1) or more deviations from the standard requirements as follows:

a. Setbacks of buildings and paved areas from a public street may be reduced by ten percent (10%) of the standard requirement.

b. Side and rear yards between buildings may be reduced by ten percent (10%) when the Planning and Zoning Commission have been assured that adequate open space for the project and between buildings has been established.

c. Setbacks of buildings and paved areas from a freeway may be reduced by ten percent (10%).

d. Lot area and lot width may be reduced by ten percent (10%) of the standard requirement. Any common open space resulting from the variance of such density standard shall be set aside for the use and benefit of the occupants of such development.

e. Compensating open space shall include conservation areas, combination sidewalk/bikeways, decorative street lighting, monumentation, landscaping, perimeter buffers, and/or the granting of additional rights-of-way.

f. The foregoing deviations (a) through (d) may be granted by the Planning and Zoning Commission only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

SECTION 100.120: "R-3" CLUSTER-TOWNHOUSE OR GARDEN APARTMENT DISTRICT

A. *Permitted Uses.* In District "R-3" no building, structure, land or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

1. Any use permitted in District "R-2";

2. Garden apartment buildings and townhouses;

3. Innovative housing techniques such as patio houses, zero lot line homes and mixed housing system.

B. *Height and Area Regulations.* In District "R-3" the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

1. *Height.* Building or structures shall not exceed three (3) stories in height plus a basement as defined in Section 100.030

2. *Front yards.* Any dwelling hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet to a public street.

3. *Side and Rear yards.* No building shall be located closer than fifteen (15) feet to a project property line, other than the street line. No side yard shall be less than seven (7) feet.
 4. *Lot area per family.* The minimum lot shall be six thousand (6,000) or three thousand (3,000) square feet per family.
 5. *Parking Regulations.* Two (2) off-street parking spaces shall be provided for each dwelling unit.
- C. *Planned Zoning Required.* No garden apartment buildings, townhouses, cluster housing, patio homes, zero lot line homes, or mixed housing systems may be constructed in this district until said property is zoned under the planned zoning criteria set out in Section 100.060 of this Chapter except that planned zoning shall not be required for single and two-family dwellings.

SECTION 100.130: "R-4" MEDIUM DENSITY RESIDENTIAL DISTRICT

- A. *Permitted Uses.* In a District "R-4" no building, structure, land or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
1. Single-family dwellings under regulations of District "R-1";
 2. Two-family dwellings under the regulations of District "R-2";
 3. Medium density apartment buildings hereafter erected constructed, or reconstructed shall be limited to a Planned District
 4. Housing which shall be considered congregate living for senior adults and of a single or multi-family nature and limited to a Planned District.
- B. *Height and Area Regulations.* In District "R-4" the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:
1. *Height.* Building or structures shall not exceed two and one-half (2 ½) stories.
 2. *Front yards.* Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet.
 3. *Side yard.* There shall be a side yard on each side of the building equal to the height of the building wall adjacent to said yard except that in no case shall the side yard be less than fifteen (15) feet.
 4. *Rear yard.* The depth of the rear yard shall not be less than thirty (30) feet.
 5. *Lot area per family.* Every medium density apartment house and every senior adult dwelling hereafter constructed shall provide a lot area per unit of not less than the following.
 - 4 Bedroom Unit – 2,000 square feet;
 - 3 Bedroom Unit – 1,700 square feet;
 - 2 Bedroom Unit – 1,400 square feet;
 - 1 Bedroom Unit – 1,100 square feet.
- C. *Parking Regulations.* Two (2) off-street parking spaces shall be provided on the premises for each two (2) or more bedroom dwelling unit and one and one-half (1 ½) spaces for each unit having one (1) bedroom.

SECTION 100.140: "R-5" HIGH DENSITY APARTMENT DISTRICT

- A. *Permitted Uses.* In District "R-5" no building, land or premises, shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
1. Medium density apartment building under the regulations of District "R-4";
 2. High density apartment buildings hereafter erected, constructed or reconstructed shall be limited to a Planned District.
 3. Housing which shall be considered congregate living for senior adults shall be limited to a Planned District.
- B. *Height and Area Regulations.* In District "R-5" the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:
1. *Height.* No maximum or minimum height required except as governed by yard requirements provided that all buildings exceeding two and one-half (2 ½) stories shall have elevators.
 2. *Front yards.* Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be thirty (30) feet plus three (3) feet for each story in excess of four (4).
 3. *Side yards.* There shall be a side yard on each side of a building equal to fifteen (15) feet plus two (2) feet for each story greater than three (3).
 4. *Rear yard.* The depth of the rear yard shall be at least thirty (30) for buildings up to four (4) stories and at least the height of the building for buildings in excess of four (4) stories.
 5. *Lot area per family.* Every high density apartment house hereafter constructed shall provide a lot area of not less than one thousand (1,000) square feet per dwelling unit.
- C. *Parking Regulations.* Two (2) parking spaces shall be provided on the premises or within two hundred (200) feet of an entrance to the building for each dwelling unit.

SECTION 100.150: "RMP" – MOBILE HOME PARK DISTRICT

- A. *Where Permitted.*
1. Except as provided in Subsections (B) and (C), a mobile home may be permitted in the City only in an approved mobile home park.
 2. A mobile home may be permitted elsewhere in the City by the City Council for the purpose of providing temporary housing following a disaster, such as fire, windstorm, or flood provided such mobile home is removed from its location within six (6) months of its original placement.
 3. One (1) or more mobile homes may be used as a temporary office, bank or other non-residential; structure on the site of a construction project, provided such structure is removed upon completion of the project.
- B. *Minimum Standards for Mobile Home Parks.* No mobile home park shall have a site smaller than five (5) acres. The density for mobile parks shall be not more than five (5) mobile homes per acre.

- C. *Stands and Skirts.* Each mobile home space shall contain a portland cement or asphaltic concrete stand upon which the mobile home will be situated, and each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile home structure and installed within ten (10) days of home placement.
- D. *Anchoring.*
1. All mobile homes hereafter installed within the City shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding sides and roof.
 2. Tiedown designs shall be approved by the Building Official prior to installation. In addition, test data giving certified results of pull tests in soils representative of the locality in which the anchors are to be used shall be submitted to the Building Official. Minimum load in direct pull shall be five thousand four hundred (5,400) pounds.
- E. *Shelters.* Each mobile home park shall provide sufficient and adequate shelter from natural disasters. Shelters shall be placed at such intervals within the mobile home Park to ensure maximum safety for residents during the times of natural disasters. Design and locations of said shelter shall be determined at the time of final plan approval, but in no case shall the construction of the initial phase of a mobile home park be allowed to proceed without the concurrent construction of appropriate shelters.
- F. *Streets and Drives.* All public streets within the park shall be improved to City standards for residential streets. There shall be at least two (2) street or drive openings into the park providing ingress and egress. All private drives shall be not less than twenty-four (24) feet in width, having portland cement curbs, and be surfaced with at least six (6) inches of compacted stone base with two (2) inches of hot mix bituminous concrete as the surface course, or equal, as determined by the City Engineer.
- G. *Parking.* At least two (2) parking spaces for each mobile home shall be provided within sixty (60) feet of the mobile home. Such parking spaces shall be off the public street or private drive, and each shall be not less than nine (9) feet by twenty (20) feet in size, and shall be surfaced to at least the standard set out for private streets.
- H. *Park and Playground Space.* Park and playground space shall be provided for occupants of the mobile home Park on the basis of three hundred (300) square feet for each space in the park. Such playground space shall be separate and in addition to the open space required for each mobile home space, and shall be equipped and maintained for the use of the residents of the park.
- I. *Open Space.* Each mobile home shall be located on the mobile home space so that no part of one (1) mobile home structure, including canopies, awnings, carports and other protrusions, is closer than twelve (12) feet to another mobile home, or to the edge of the surface of a drive. No mobile home shall be located closer than thirty (30) feet to the boundary of the mobile home Park or to a public street. Each mobile home space shall have not less than two (2) live shade trees of two (2) to two and one-half (2 ½) inch caliper.
- J. *Utilities.* All wastewater shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the City Engineer prior to construction. All solid waste shall be disposed of by accumulation in tight containers, and removed at regular intervals. All power and telephone lines shall be underground, and shall be in compliance with standards of the utility corporation involved. The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property.

- K. *Zoning Procedure.* The zoning of the land to District "RMP" shall be in accordance with the procedures of Planned Zoning set out in Section 100.060 and Section 100.100. The decision of the Commission to recommend approval or denial of the proposed mobile home park shall be based upon the following criteria.
1. The proposed property will be in harmony, in general with the comprehensive plan of the City of Wood Heights.
 2. Two (2) or more routes of safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services are assured.
 3. A safe and healthful living environment will exist for the occupants of the park.
 4. The plans for the park will not be adversely affected to an unreasonable extent. Upon hearing and considerations of the project, the Commission shall, at the earliest date possible, submit its recommendation and an endorsed copy of the plans to the City Council for final action. All final plans, including detailed landscaping plans, and signs to be allowed shall be reviewed by the Planning Commission and be approved by that body prior to the beginning of grading or other construction of the mobile home Park.

SECTION 100.160: "C-0" NON-RETAIL BUSINESS DISTRICT

- A. *Permitted Uses.* In District "C-0", no building, structure, or land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
1. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;
 2. Other offices limited to the following:
 - a. Answering and secretarial services;
 - b. Architects;
 - c. Brokers and accountants;
 - d. Engineers;
 - e. Dentists;
 - f. Lawyers;
 - g. Physicians and others in the healing arts licensed by the State of Missouri;
 - h. Real estate and insurance.
 3. Mortuaries;
 4. Hospitals, clinics, laboratories and other treatment and diagnostic facilities for the medical arts for humans only;
 5. Churches and synagogues.
 6. Residential uses. Residential uses shall be allowed in this and subsequent Commercial Zoning Districts, except in the "C-2A" Special Business District, subject to the following conditions:
 - a. Residential units may be developed either in a freestanding building or as part of a building that contains other permitted uses in the district.
 - b. Dwelling units shall be allowed on a basis of one (1) unit per five thousand (5,000) square feet of land or parcel area, provided that the Planning Director

may allow units on a general area basis rather than on the area of an individual subject property. The intent is to realize a general average of one (1) unit per five thousand (5,000) square feet rather than to preclude residential units from some of the parcels, which due to the nature of the commercial districts, contain less than five thousand (5,000) square feet. The Planning Director shall have the authority to assign the number of units to the individual parcels. In the event an applicant does not agree with the assignment of units made by the Planning Director, the matter shall be referred to the Planning Commission for the resolution and they shall have the right to assign the number of units.

- c. When a residential unit is located in a building, which also contains permitted non-residential uses, all applicable codes shall apply, including but not limited to provisions for separate access and construction standards.
- d. Adequate trash enclosures shall be provided, as may be determined by the Planning Director, and these areas shall be screened and protected.
- e. Residential housing for three (3) or more units hereafter erected, constructed or reconstructed, shall be limited to planned districts.

B. *Performance Standards.* The following standards shall not be exceeded in this district:

- 1. No retail or wholesale sales shall be permitted where products or samples are involved on the premises or where contact with the customer takes place except that eyeglasses may be sold in connection with the practice of an optometrist; prescription medicines, drugs, pharmaceuticals and orthopedic devices may be sold in connection with the practice of medicine and caskets may be sold in connection with mortuaries.
- 2. No direct exterior entrance to a pharmacy or sales room for eyeglasses shall be allowed.
- 3. No commercial or industrial equipment shall be kept on the premises outside of a building.
- 4. Sale of or otherwise handling of insurance, stocks and bonds, real estate and similar services are permitted on the premises with unlimited contact with the customer.

C. *Height and Area Regulations.* In District "C-O", the height of the buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows, provided residential uses in this district shall be subject to those regulations in the district in which the specific residential use is enumerated.

- 1. *Height.* No building or structure shall exceed three (3) stories in height except that in District "CP-O" no building or structure shall exceed one hundred forty-four (144) feet in height.
- 2. *Front Yard.* A front yard of not less than thirty (30) feet shall be provided.
- 3. *Side Yard.* There shall be a side yard on each side of the building equal to the height of the building wall adjacent to said yard except that no case shall the side yard be less than fifteen (15) feet.
- 4. *Rear Yard.* The depth of the rear yard shall be at least thirty (30) feet.

D. *Parking Regulations.*

1. Four (4) off-street parking spaces shall be provided on the premises in the side or rear yard for each one thousand (1,000) square feet of floor area and shall be allowed in the front yard for churches.
 2. All new or substantially rehabilitated dwelling units shall provide designated off-street parking spaces on a basis of one (1) space per dwelling unit. These spaces shall be designated and may be located within two hundred (200) feet of the property where the dwelling units are located. In the event parking cannot be located within two hundred (200) feet, the Planning Director may approve designated parking at a greater distance from the property. Designated off-street parking spaces may be on any property which is under the control of the owner of the dwelling units, and may also be on property which is held in common with other owners, as long as the spaces are not available for other uses, such as a church parking lot. The spaces shall be marked and identified as to the dwelling unit to which they are assigned.
- E. *Conversion of Buildings.* No building that was designed and constructed as a residential building shall be converted for use as an office building or other business purpose unless the following conditions are met:
1. Setbacks comply with those required in this district.
 2. All off-street parking required by this Chapter or by the proposed use of the premises can be accommodated in the side or rear yard and have access and dimensions to permit the full and safe use thereof.
 3. The building is made to comply with all building and other Code requirements.
 4. A site plan depicting the above requirements plus any changes to the exterior of the building shall be prepared by a professional architect, registered in the State of Missouri, and submitted for review and approval by the Planning Commission prior to issuance of permits.

SECTION 100.170: DISTRICT "C-1" –LOCAL BUSINESS DISTRICT

- A. *Permitted Uses.* In District "C-1" no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses.
1. Any use permitted in District "C-O";
 2. Shops and stores for sale at retail of such goods as foods and beverages for human consumption; furniture and appliances; printed materials; notions; hardware and paint; kitchenware; toys and sporting goods; jewelry, gifts and novelties; flowers, tobacco products, photographic equipment, antiques, artists and hobby supplies, music supplies and medical supplies, bicycles; electronic equipment;
 3. Services such as business offices, banks and savings and loans associations, insurance, barber and beauty shops, schools, optical shops, seamstress and tailoring, dry cleaning and laundry stores including coin-operated, eating establishments, interior decorator, photographer, shoe repairs, clinics and health spas, small animal hospitals, day care;
 4. Offices of all types, including post offices, public or privately owned utilities offices.
- B. *Performance Standards.* The following standards shall not be exceeded by any use in this district:

1. No wholesale sales shall be conducted.
 2. No merchandise or equipment shall be stored or displayed outside a building.
 3. All products shall be sold and all services rendered inside a building except that banks and savings and loan establishments may have drive-through and walk-up services.
 4. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and not dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
 5. Alcoholic beverages shall not be sold for consumption on the premises.
- C. *Height and Area Regulations.* In District "C-1", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows.
1. *Height.* Buildings or structures shall not exceed three (3) stories.
 2. *Side Yards.* For one (1) and two (2) story buildings no side yard is required except that where a side line of lot in this district abuts the side line of a lot in District "R-1" to "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of fifteen (15) feet shall also be provided on the street side of a corner lot.
 3. *Rear yard.* No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-O" inclusive a rear yard of not less than twenty-five (25) feet shall then be provided in this district.
- D. *Parking Regulations.* Four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area.
- E. *Conversion of Buildings.* No building that was designed and constructed as a residential building shall be converted for use as an office building or other business purpose unless the following conditions are met:
1. Setbacks comply with those required in this district;
 2. All off-street parking required by this Chapter or by the proposed use of the premises can be accommodated in the side or rear yard and have access and dimensions to permit the full and safe use thereof;
 3. The building is made to comply with all building and other code requirements;
 4. A site plan depicting the above requirements plus any changes to the exterior of the building shall be prepared by a professional architect, registered in the State of Missouri, and submitted to review and approval by the Planning Commission prior to issuance of permits.

Those buildings and premises being used in violation of this regulation on the date of the adoption of this Chapter may continue as non-conforming uses under section 100.050.

SECTION 100.180: DISTRICT "C-2" – GENERAL BUSINESS DISTRICT

- A. *Permitted Uses.* In District "C-2", no building, structure, land premises shall be used, and no building or structures shall be hereafter erected, constructed, reconstructed, moved or altered except for one (1) or more of the following uses:

1. Any use permitted in District "C-1";
 2. Shops and stores for the sale of retail or wholesale of department store merchandise, furniture and appliances, new automobiles and trucks, used car lots, automobile supplies, motorcycles, petroleum products (bulk plants not permitted), newspapers, pets, books, stationary, handcraft, office and hotel supplies;
 3. Services such as clubs, hotels and motels, automobile repair in connection with new auto sales, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance, on site handcrafting, health spa, delivery services, radio and television broadcasting studios, public or private entertainment and recreation, places where alcoholic beverages are served, charity and welfare.
- B. Performance Standards.*
1. Drive-through or drive-in services may be provided, except where alcoholic beverages in any form are served, dispensed or otherwise change hands;
 2. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and not dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced;
 3. Automobiles and trucks for sale may be stored or displayed outside a building but not within five (5) feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that required by this Chapter.
- C. Height and Area Requirements.* In District "C-2", the height of buildings and the minimum dimensions of lots and yards shall be as follows:
1. *Height.* Buildings or structures shall not exceed three (3) stories in height, except that in a District "CP-2" buildings and structures shall not exceed twelve (12) stories in height.
 6. *Front yards.* No front yard is required.
 7. *Side yards.* No side yard is required except that where a side line of a lot in this district abuts the side line of a lot in District "R-1" or "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts.
 8. *Rear yards.* No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-O" inclusive, a rear yard of not less than twenty-five (25) feet shall then be provided in this district.
- D. Parking Regulations.* No off-street parking is required in the central business district. Outside the central business district four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area
- E. Conversion of Buildings.* No building that was designed and constructed as a single-family, two-family or multi-family dwelling shall be converted to or hereafter used for non-residential purposes enumerated in this district except that hotels may be used for non-residential uses. The buildings and premises being used in violation of this regulation on the date of adoption of this Chapter may continue as non-conforming uses under this Section 100.050.

SECTION 100.190 DISTRICT "C-2A"—SPECIAL BUSINESS DISTRICT

- A. *INTENT.* This Zoning District is for the purposes of allowing the renovation or conversion of building, or the construction of new buildings, for occupancy by retail or service activities which cater primarily to the travelling public, tourists, families on vacation or local persons who have a need for a product or service not generally available in the usual business district. It is further intended that such special retail sales and services will utilize, for the most part, existing residential buildings or buildings of a scale similar to prevailing homes in the area and that such businesses will be oriented to the pedestrians in the street as opposed to highly competitive markets drawing for a large trade area. Mixed residential and business uses are permitted in the same building and structures built as dwellings may be converted to business uses provided suitable architectural character exists, the structure is sound and the conversion will retain desirable and historically significant features of the building. The section of the City in which this district may be utilized is shown on the map which is on file in the City Manager's Office.
- B. *Permitted Uses.* In District "C-2A" no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, altered, except for one (1) of the following uses:

Accounting and Bookkeeping Services.
Advertising Services.
Alteration, Pressing and Garment Repair Services.
Amusement Parks.
Antiques, Coins and Collectibles.
Apparel and Accessories Retail.
Architecture, Engineering and Planning.
Art Galleries.
Artists, Painters, Sculptors.
Automobile Parking.
Bakeries-Retail.
Banks.
Barber Services.
Bed and Breakfast.
Blueprinting and Photocopying Services.
Boarding and Rooming Houses.
Books-Retail.
Business and Management Consulting.
Business Offices.
Bowling Alley.
Candy, Nut and Confectionery Retail.
China, Glassware and Metalware-Retail.
Chiropractors, Optometrists and Other Similar Health Services.
Clock, Watch and Jewelry Repair Services.
Commodity and Security Brokers.
Consulting Services.
Dairy Products-Retail.
Day Care Centers.
Dental Services.
Department Stores-Retail.
Drug and Proprietary-Retail.
Dry Cleaning and Laundering.
Duplicating.
Dwelling-Single-Family.
Dwelling-Two-Family.
Dwelling-Multi-Family.
Educational and Scientific Research.
Electrical Supplies-Retail.
Employment Services.

Florists-Retail.
Fraternal, Civic and Social Association.
Furniture-Retail.
Furs-Retail Association.
General Stores-Retail.
Gifts, Novelties and Souvenir-Retail.
Glass and Glassware.
Greenhouses.
Health and Exercise Spas.
Health Resorts.
Hearing Aids.
Hobby Supplies-Retail.
Holding and Investment Services.
Hotels, Tourists, Courts and Motels.
Insurance Agents and Broker Services.
Jewelry-Retail.
Legal Services.
Libraries.
Liquor-Packaged.
Magazines and Newspapers-Retail.
Medical Clinics, Patient Services.
Medical Instruments and Supply.
Miniature Golf.
Music Supplies.
Optical Goods.
Pattern Shop.
Photo Shops.
Postal Services.
Private Clubs.
Professional Offices.
Radios, Television, Phonographs, Recorders and Tape Players.
Real Estate Sales.
Residential Hotels.
Restaurants.
Riding Stables.
Savings and Loan Associations.
School-Art.
School-Computers.
School-Dancing.
School-Music.
Shoe Repair.
Shoes-Retail.
Sporting Goods-Retail.
Stationary-Retail.
Tailoring-Custom.
Tennis Clubs.
Theaters-Legitimate.
Theaters, Motion Picture, Indoor.
Travel Agents.
Upholstery, Draperies and Curtains-Retail.
Video Games.

- C. *Height and Area Regulation.* In District "C-2A", the height of buildings, the minimum dimensions of lots and yards, and the minimum lot per family permitted on any lot shall be as follows:

1. *Height.* Maximum height shall be thirty-five (35) feet.
2. *Yard regulations.*
 - a. Minimum front yard is fifteen (15) feet.
 - b. Minimum side yard is seven (7) feet except that a building may have a side yard less than seven (7) feet but not less than three (3) feet upon written approval of the Chief of the Fire Department.
 - c. Minimum rear yard – None required except that twenty (20) feet shall be provided where no alley exists and the rear abuts property occupied as a residence..
3. *Minimum lot area.* None
4. *Minimum lot width.* Thirty five (35) feet.
5. *Maximum lot coverage.* Fifty percent (50%).

D. Performance Standards.

1. All business establishments shall be retail or service establishments dealing directly with the consumer. Any goods produced on the premises shall be sold at retail on the premises where produced.
2. No outdoor storage or display shall be permitted.
3. No product shall be sold or otherwise dispensed to persons in a vehicle and no drive-through or drive-in service is allowed.
4. No business establishment shall occupy more than one (1) building or more than five thousand (5,000) square feet of floor area.
5. One (1) family may occupy a building which also contains one (1) or more business activities provided all life-safety standards are met as certified by the Chief of the Fire Department and by the Building Official.
6. In general, the goods and services provided in this district shall be in the nature of art and handcraft objects, ready to eat foods, souvenirs, notions, soft goods and clothing, collector's items, antiques and jewelry.
7. Alcoholic beverages may be served for consumption on the premises only in food service establishments where gross revenue from the sale of food is not less than fifty percent (50%) of the total revenue of the establishment.

E. Conversion of Buildings. A building constructed as a residence may be converted to business use provided the following conditions are met:

1. The building will, when converted, conform to all code and life-safety standards of the City of Wood Heights.
2. A building constructed as a residence may not be converted or used for worship or other group religious services.

3. Detailed plans of the building shall be submitted for review and approval by the Planning Commission prior to beginning construction or conversion. Such plans shall be prepared by a professional architect, registered in the State of Missouri, who shall present the plans to the Commission and fully explain the conversion, construction or renovation process. Structural integrity of the building, its ability to conform to applicable codes and standards shall be demonstrated by the architect at this time. Plans shall include a site plan, any changes in interior partitions or structure, the appearance of the exterior of the building when completed, landscaping, signs, and off-street parking.

When off-street parking is to be provided on land not owned by the applicant, proof of long-term rights to use said non-owned property for parking in the form of executed lease, contact, etc., shall be submitted for the City's review and kept in the record. Such plans, when and if found to be in conformance with the spirit and intent of this Section, shall be approved in concept by the Commission and forwarded to the Zoning Administrator for final action. The Commission shall consider recommendations by the Fire Department, health official and other officials in reaching a conclusion.

4. Upon arrival of the plans by the Zoning Administrator, a permit may be issued for conversion and renovation of the building. The approval of the plans by the Commission shall remain valid for a period of one (1) year whereupon the approval of any permits issued in connection therewith become null and void. Full and complete compliance with the plans is mandatory.

F. Off-Street Parking. Off-street parking at a ratio of one (1) space for each three hundred (300) square feet of total floor area used for business purposes, or one (1) space for each sleeping room, shall be provided on the premises or within three hundred (300) feet therefrom. No parking shall be permitted in the required front or side yards in this district. The Planning Commission may, in the process of reviewing construction, conversion or renovation plans, vary the parking requirements of a business if permanent public off-street parking is provided in quantity and location to adequately serve the premises.

SECTION 100.200: DISTRICT "C-3" SERVICE BUSINESS DISTRICT

A. Permitted Uses. In District "C-3", no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

1. Any use permitted in District "C-2".
2. Shops, stores and yards for the sale at retail or wholesale, or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, farm machinery, and supplies, building supplies and lawn accessories.
3. Services such as assembly and meeting halls, automobile repair and washing, farm machinery repair, pop bottling, miniature golf and commercial recreational parks, drive-in theatres, general repair and fix-it shops, frozen foods, including lockers, swimming pools, trade schools and small article storage for general public use commonly called mini-warehouses.
4. Nurseries, greenhouses and bakeries.
5. Manufacture or assembly of products to be sold only at retail on the premises.
6. Recycling, subject to special use permit.

B. Performance Standards.

1. Drive-up or drive-in service may be provided at any establishment.
 2. Any manufacturing or assembly of products as permitted above shall be entirely within a totally enclosed building.
 3. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to human or property shall be produced.
 4. Automobiles, trucks, boats and trailer for sale may be stored or displayed outside a building but not within ten (10) feet of a street line. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this Chapter.
- C. *Height and Area Regulations.* In District “C-3”, the height of the buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:
1. *Height.* Buildings or structures shall not exceed three (3) stories except that in District “CP-3” buildings and structures shall not exceed twelve (12) stories in height.
 2. *Front yard.* A front yard of not less than fifteen (15) feet shall be provided.
 3. *Side yards.* No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a District “R-1” to “C-0” inclusive, a side yard shall then be provided the same as required in the district it abuts, and a side yard of fifteen (15) feet shall be provided on the street side of a corner lot.
 4. *Rear yard.* No rear yard required, except that when a rear lot line abuts a in District “R-1” to “C-0” inclusive, a rear yard of not less than twenty-five (25) feet shall be provided.
- D. *Parking Regulations.* Four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area.
- E. *Conversion of Buildings.* No building that was designed and constructed as a residential building shall be converted to or hereafter used for non-residential purposes enumerated in this district. Those buildings and premises being used in violation of this regulation on the date of the adoption of this Chapter may continue as non-conforming uses under Section 100.050.

SECTION 100.210: DISTRICT “M-1” LIGHT INDUSTRIAL DISTRICT

- A. *Planned Zoning Required.* In District “M-1”, no building, structure, land or premises shall be used, no building or structure shall be hereafter erected, constructed, reconstructed, or moved, except for one (1) or more of the uses described below, and then only when said property is zoned under the Planned Zoning criteria set out in Section 100.060 of this Chapter, except that Planned Zoning shall not be required for alterations when a change in use is not caused:
1. Offices and restaurants.
 2. Manufacturing, processing, fabrication, assembling, disassembling, packaging, repairing, cleaning, servicing, or testing of any commodity except junk or salvage.
 3. Warehousing, wholesaling and storage of any commodity except junk or salvage.

4. Public and Private utility facilities.
5. Recycling, subject to special use permit.

B. Performance Standards.

1. All operations shall be conducted within fully enclosed building.
2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level within three hundred (300) feet of the property line.
3. Retail sales shall be limited to those products manufactured on the premises.
4. No use shall be permitted or so operated as to produce or emit the following.
 - a. Smoke or particulate matter of Number 1 or darker on the Ringlemann Chart.
 - b. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious to humans at the property line.

C. Height and Area Regulations. In District "M-1", the height of buildings, and the minimum dimension of lots and yards shall be as follows:

1. *Height.* No building or structure shall be exceed three (3) stories or fifty (50) feet in height except that in District "MP-1" buildings and structures shall not exceed one hundred and fifty (150) feet in height.
2. *Front yard.* A front yard of not less than thirty (30) feet shall be provided.
3. *Side yards.* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall not be less than ten (10) feet. A side yard abutting a street in the case of a corner lot or as side yard abutting a zoned residential lot shall be not less than twenty (20) feet.
4. *Rear yard.* A rear yard of not less than fifteen (15) feet shall be provided.

D. Parking and Loading Regulations. Each industrial establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Not less than one (1) space for each five-hundred (500) square feet of total floor area shall be provided except that in grain storage structures the floor area designed and used exclusively for grain storage shall not be included in the calculation. Such parking spaces shall be on the premises or on the property within two hundred (200) feet of an employee entrance to the building being served. Each establishment shall also provide adequate loading spaces within a building or on the premise in such a way that all storage, standing and maneuvering of trucks and other service vehicles shall be off the public right of way. Any office or restaurant located in this district shall provide parking in the quantity required in the district wherein the use is enumerated.

SECTION 100.220: DISTRICT "M-2" GENERAL INDUSTRIAL DISTRICT

A. Planned Zoning Required. In District "M-2", no building, structure, land or premises shall be used, no building or structure shall be hereafter erected, constructed, reconstructed, or moved, except for one (1) or more of the uses described below, and then only when said property is zoned under the Planned Zoning criteria set out in Section 100.060 of this Chapter, except that Planned Zoning shall not be required for alterations when a change in use is not caused:

1. Any uses in District "M-1".
2. Body shops.
3. Building material stores and yards.
4. Bus barns or lots.
5. Cleaning, pressing and dyeing plants including laundries.
6. Cold storage plants.
7. Concrete and asphalt plants.
8. Dog pounds and kennels if within as enclosed building.
9. Sale and service of farm and contractors supplies and equipment.
10. Machine and welding shops.
11. Petroleum storage.
12. Plumbing and sheet metal shops.
13. Railroad yards.
14. Railroad repair shops.
15. Truck and bus storage, sales, and service.
16. Freight terminals, docks, loading and unloading equipment.

B. Performance Standards.

1. Operations may be conducted within a building or in an open yard except that no operations shall be conducted within ten (10) feet of the property line;
2. All storage of materials, products or equipment shall be within a fully enclosed building or in an partially enclosed building or in an open yard having a solid screen fence not less than six (6) feet high giving total or partial screening from neighboring property and adjacent streets:
3. No use shall be permitted or so operated as to produce or emit the following.
 - a. Smoke or particulate matter of Number 1 or darker on the Ringlemann Chart.
 - b. Dust, fly ash, radiation, gases, heat, glare or other effects which are obviously injurious or damaging to humans or property beyond the property line;
 - c. Vibration or concussion perceptible without instruments at the property line;
 - d. Noise that exceeds 80db (A) at any point along the property line;
 - e. Industrial wastes of a quantity or nature that may overburden the public sewage disposal facilities or cause odors or sanitary effects beyond the property line.

C. Height and Area Regulations. In District "M-2", the height of buildings, and the minimum dimension of lots and yards shall be as follows:

1. *Height.* Buildings or structures shall not exceed one hundred and fifty (150) feet in height.
2. *Front yard.* A front yard of not less than twenty five (25) feet shall be provided.
3. *Side yards.* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall not be less than ten (10) feet.
4. *Rear yard.* A rear yard of not less than twenty (20) feet shall be provided.

to the value of property in the neighborhood. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.

F. *Uses Which may be Permitted.* Any of the following uses may be located in any district by Special Use Permit:

1. Amusement parks, privately owned baseball or athletic fields.
2. Airports, landing strips and helicopter ports under such restrictions as the Council may impose on land, buildings or structures within an approach zone to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards.
3. Cemeteries, mausoleums, or crematories for the disposal of the dead.
4. Clubs.
5. Drive-in theaters.
6. Golf driving ranges, commercial or illuminated; tennis and similar recreation structures.
7. Gun clubs, skeet shoots, target ranges, indoor tennis and similar recreation structures.
8. Hospitals, residential or outpatient facilities for the treatment of alcohol and other drug abuse, penal or correctional institutions; veterinary clinics.
9. Camping areas, campground or RV park.
10. Mines or quarries, including the removing, screening, crushing, washing, or storage of ore, sand, clay, stone, gravel or similar materials.
11. Nursery sales office, building, greenhouse, or area (wholesale or retail).
12. Nursing and convalescent homes.
13. Dog kennels.
14. Radio, television and microwave towers.
15. Reservoirs, towers, filter beds, or water treatment plants.
16. Riding stables and tracks.
17. Sewage, refuse, garbage disposal plants or landfills.
18. Buildings, structures, and premises for public utility services, or public service corporations.
19. Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the district in which it is situated, shall be temporary, and any storage equipment or material shall be removed upon the date of the expiration of the Special Use Permit, which permit shall be valid for not more than two (2) years but may be renewed after public hearing.
20. Assembly halls, churches, community centers, philanthropic organizations, and trade schools.

- D. *Parking and Loading Regulations.* Each industrial establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Not less than one (1) space for each five-hundred (500) square feet of total floor area shall be provided except that in grain storage structures the floor area designed and used exclusively for grain storage shall not be included in the calculation. Such parking spaces shall be on the premises or on the property within two hundred (200) feet of an employee entrance to the building being served. Each establishment shall also provide adequate loading spaces within a building or on the premise in such a way that all storage, standing and maneuvering of trucks and other service vehicles shall be off the public right of way. Any office or restaurant located in this district shall provide parking in the quantity required in the district wherein the use is enumerated.

SECTION 100.230: SPECIAL USE PERMITS

- A. *Purpose.* The development and administration of the Zoning Code is based on the division of the City into districts, within any one (1) of which the use of land and buildings and the bulk and location of buildings or structures, as related to land, are essentially uniform. It is recognized, however, that there are special uses which, because of unique character, cannot be properly classified in any particular district or districts without consideration, in each case of the impact of those uses upon the public need for the particular use or the particular location. Such special uses fall into three (3) categories:
1. Uses operated by a public agency or public-related utilities, or uses traditionally affected with a public interest;
 2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities;
 3. Uses which are of short duration and short range impact on the community.
- B. *Authorization.* Special uses may be authorized only by the City Council, provided that no application for a special use shall be acted upon by the City Council until after a public hearing is scheduled and notice posted and thereafter held by the Planning and Zoning Commission, and its finding and recommendations are reported to the City Council.
- C. *Application.* An application for special use shall be filed with the Zoning Administrator.
- D. *Standards.* No special use shall be granted unless the use:
1. Is deemed necessary for the public convenience at that location;
 2. It is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
 3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located;
 4. Will comply with the height and area regulations of the district in which it is located unless specifically granted otherwise.
- E. *Conditions.* The Planning and Zoning Commission may recommend and the City Council may provide such conditions and restrictions upon the construction, location, and operation of a special use including time limit provision for off-street parking and loading and other conditions as may be deemed necessary to promote the general objectives of this Chapter and to minimize any injury

21. Group care centers, including preschools, day care and adult care.
22. Off-street parking lots or structures of a temporary or permanent nature.
23. Mobile and manufactured home sales areas.
24. Special housing for persons who have special and unusual housing needs, including but not limited to, persons fifty-five (55) years of age and over, persons who are handicapped and children and adults who require housing separate from their natural homes or families.
25. Bed and breakfast homes.
26. Adult Entertainment Establishments, subject to the regulations and requirements set forth in Section 100.235: Adult Entertainment Establishments, below.

G. *Short Term Special Uses.* The City Council may authorize the issuance of a Short Term Special Use Permit for the use of a specific tract, parcel or section of the City for such temporary uses as;

1. Trade shows.
2. Street fairs.
3. Expositions such as art fairs, boat shows, etc.
4. Promotional ventures.
5. Entertainment and recreation, including carnivals and circuses.
6. Sidewalk, truckload sales.

Such activities may be a non-profit, profitmaking, civic or public agency and may be on private or public property. A Short Term Special Use Permit may be approved by the City Council upon public hearing and without referral to the Planning Commission provided the following conditions are met:

1. The applicant shall submit in written form a complete description for the proposed activity, hours of operation, ability to accommodate Fire and Police services and access, need for special protection and other characteristics that may affect the public safety, convenience and welfare.
2. In the case of use of a public street or sidewalk, care shall be exercised in maintaining safe and convenient circulation for both vehicular and pedestrian traffic.

SECTION 100.235: ADULT ENTERTAINMENT ESTABLISHMENTS

A. *Purpose and Intent.*

1. Adult entertainment establishments are hereby acknowledged to have special characteristics and impacts upon their surroundings, and upon the use and enjoyment of adjacent properties.
2. It is the purpose and intent of these regulations to provide for the confinement of adult entertainment establishments to those commercial areas within which the special

characteristics and impacts are judged to be the least disruptive to the use and enjoyment of adjacent properties and neighborhoods.

3. These regulations are further intended to require that adult entertainment establishments shall not be permitted to locate in such concentration that their operational features may establish the dominant character of any commercial area or to be a blighting influence on the surrounding neighborhood(s).
4. The special regulations of adult entertainment establishments is deemed to be necessary to ensure that the special characteristics and impacts of such uses will not contribute to the blighting or degradation of surrounding neighborhoods, whether residential or non-residential by location or concentrations and is to ensure the stability of such neighborhoods.
5. These regulations are further intended to protect and balance the lawful rights of expression with the lawful rights to the enjoyment and use of property.
5. These regulations are necessary to protect the health, safety, morals and general welfare of the residents of the City of Wood Heights, Missouri.

B. *Definitions.* The following words and phrases when used in this Section, shall have the meaning set out herein:

ADULT BOOKSTORE: An establishment having as a ten percent (10%) portion of its stock in trade or more of books, photographs, magazines, films for sale, films for viewing on the premises by use of motion picture devices or other coin operated means, or similar periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities.

ADULT ENTERTAINMENT FACILITY: Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for live presentations, video tapes or films or similar devices, predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities. Additionally, any facility where the patrons either:

1. Engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interests of the patrons;
2. Observe any live presentations, video tape or film presentation or similar, of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent covering, or in the case of female persons with the areola and nipple of the breast exposed or covered with only transparent covering or to observe sexual activities.

MODELING STUDIO: An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, or similar means. This definition is not intended to include or apply to schools whenever there are persons enrolled in a class for the purpose of developing their artistic skills.

SPECIFIED SEXUAL ACTIVITIES: Sexual conduct, being actual or simulated, acts of human masturbation, sexual intercourse, gratification with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

ADULT ENTERTAINMENT ESTABLISHMENTS: Any of the establishments, businesses, buildings, structures or facilities defined this Subsection.

C. *Special Use Permit Required.* A Special Use Permit shall be obtained in accordance with the regulations and requirements set forth in Section 100.230: Special Use Permits.

D. *Conditions.*

1. A Special Use Permit may be obtained for an adult entertainment establishment only in a "C-3": Service Business District. This Special Use Permit shall be valid for a period not to exceed two (2) years, but may be renewed after a full and complete review by the Planning and Zoning Commission and City Council.
2. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet of any religious institutions, school, public building, cemetery, park, hospital, youth center, or licensed day-care facility. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school, public building, cemetery, park, hospital, or licensed day-care facility.
3. No adult entertainment establishment shall be permitted to locate within seven hundred fifty (750) feet of any single-family residential zoning district. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the single-family residential zoning district.
4. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet of another lawfully existing adult entertainment establishment. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior wall of the adult entertainment establishment to the closest property line of the other adult entertainment establishment.
5. All access to and from the adult entertainment establishment shall be provided from a street classified as either a collector or Arterial Street.
6. The property upon which the adult entertainment establishment is located shall have a minimum of one hundred (100) feet of street frontage.
7. The property upon which the adult entertainment establishment is located shall be screened by a solid masonry wall, at least six (6) feet in height along all interior property lines.
8. The property upon which the adult entertainment establishment is located shall have a front yard setback of fifteen (15) feet, a side yard setback of fifteen (15) feet, and a rear yard setback of twenty-five (25) feet.
9. Off-street parking shall be provided for a ratio of one (1) parking space per three (3) seats, one (1) parking space for each two (2) employees, and/or one (1) parking space per each seventy-five (75) square feet of floor area to be determined by the Planning Director and subject to the review of the Planing and Zoning Commission and City Council.
10. The facility within which the adult entertainment use is located shall be designed in such a manner that all openings, entries, exists, and windows prevent view into such facility.
11. No adult entertainment activity shall take place outside of the establishment either wholly or partially.

12. The adult entertainment establishment shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink, or move by mechanical means, and shall not extend above the roof line of the building.
13. No merchandise or pictures of products may be displayed in any area where it may be viewed from outside of the establishment.
14. Each application for a Special Use Permit for an adult entertainment establishment shall include a site plan. The site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger and shall include, as a minimum, the following information:
 - a. The site plan shall delineate the property lines of the proposed project, and shall indicate the Zoning District classification and present use of the proposed project site and for abutting properties.
 - b. The site plan shall delineate existing rights-of-way and easements.
 - c. The site plan shall delineate the general location and width of all proposed streets and public rights-of-way and easements.
 - d. The site plan shall delineate the solid masonry-screening wall as required in Subsection (D) (7) above.
 - e. The site plan shall delineate the proposed building layout with the required setbacks as required in Subsection (D) (8) above.
 - f. The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
 - g. The site plan shall delineate the location and number of parking spaces required in Subsection (D) (9) above.
 - h. The site plan shall present in tabular form the proposed net density of the use provided, including the number of seats, employees, or other applicable units of measure.
 - i. The site plan shall delineate the gross floor area of the building or structure.
 - j. The site plan shall describe all the landscaping to be provided.
 - k. The site plan shall indicate the signage in accordance with Subsection (D) (12) above.
 - l. The site plan shall be set forth any other information necessary for determination of the suitability of the proposed use for the site.
 - m. The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this Section.