



WHERE COMMUNITY AND SPIRIT MEET™

SPECIAL ANNOUNCEMENT REGARDING CITY COUNCIL MEETINGS

Under Section 610.015 of the Mo. Sunshine Law provides that members of the City Council who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes.

The U.S., and the world, is in a state of emergency due to the Coronavirus—Covid-19. The Missouri Governor and the County Executive directed all citizens to limit meetings and gatherings to a few people to avoid the spread of the Coronavirus. Therefore, members of the City Council have elected to participate in this meeting electronically so that we are compliance with such Orders and for the public health and safety of each other and the general public.

To follow along with the open session of the work session of the City Council work session via Zoom please see instructions below:

You are invited to a Zoom webinar:

When: Dec 10, 2020 04:30 PM Central Time (US and Canada)

Topic: December 10, 2020 City Council Work Session

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83867166625>

Or Join by Telephone:

Dial: +1 301 715 8592 or +1 312 626 6799

Enter Webinar ID: 838 6716 6625

If you are unable to join the webinar the meeting will be live-streamed on the following platforms:

Facebook: www.facebook.com/cityofkirkwoodmo

YouTube: www.YouTube.com/kirkwoodcitymo

Twitter: @KirkwoodCity

****SEE THE FOLLOWING PAGES FOR THE AGENDA**



WHERE COMMUNITY AND SPIRIT MEET™

**Kirkwood City Council Work Session
Agenda
via Zoom
Thursday, December 10, 2020, 4:30 p.m.
(Posted December 8, 2020)**

(Please note that work sessions are for council discussion only and there will be no public comment portion of the meeting. The time for each of the topics are estimates. When a topic is completed the council will immediately move on to the next item on the agenda.)

- I. Approval of December 3, 2020 Work Session Minutes**
- II. Discussion of Zoning Code Amendments**
- III. Meeting Adjournment**

Kirkwood City Council: Mayor Tim Griffin; Council Members Maggie Duwe, Liz Gibbons, Bob Sears, Wallace Ward, Kara Wurtz, and Mark Zimmer

Contact Information: For full City Council contact information visit www.kirkwoodmo.org/council. To contact the City Clerk call 314-822-5802. To contact the Chief Administrative Officer call 314-822-5803.

Accommodation: The City of Kirkwood is interested in effective communication for all persons. Persons requiring an accommodation to attend and participate in the meeting should contact the City Clerk at 314-822-5802 at least 48 hours before the meeting. With advance notice of seven calendar days, the City of Kirkwood will provide interpreter services at public meetings for languages other than English and for the hearing impaired. Upon request, the minutes from this meeting can be made available in an alternate format, such as CD by calling 314-822-5802.



WHERE COMMUNITY AND SPIRIT MEET

WORK SESSION MINUTES

A work session of the Kirkwood City Council was held via Zoom Virtual meeting on December 3, 2020, at 5:30 p.m. Present were Mayor Griffin, Council Members Duwe, Sears, Ward, Wurtz, and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, Assistant Chief Administrative Officer Georgia Ragland, City Clerk Laurie Ashe, Deputy City Clerk Kim Sansegraw, Public Services Director Bill Bensing, City Engineer Chris Krueger, Planning and Development Services Director Jonathan Raiche, Public Information Officer Freddy Doss, and City Attorney John Hessel. Council Member Gibbons was absent and excused.

ANNOUNCEMENTS FROM CITY ATTORNEY

City Attorney John Hessel stated for the record that under Section 610.015 of the Mo. Sunshine Law provides that members of the City Council who are not physically in the Council Chambers can participate and vote on all matters when an emergency exists and the nature of the emergency is stated in the minutes.

So, let the minutes reflect that the U.S., and the world, is in a state of emergency due to the Coronavirus—Covid 19. The Missouri Governor and the County Executive directed all citizens to limit meetings and gatherings to a few people to avoid the spread of the Coronavirus. Therefore, members of the City Council have elected to participate in this meeting electronically so that we are compliance with such Orders and for the public health and safety of each other and the general public.

MOTION TO CLOSE THE MEETING

Motion was made by Council Member Ward and seconded by Council Member Duwe to close the meeting pursuant to RSMo Chapter 610.021 (1 – Legal).

Roll Call Vote as Follows:

Mayor Griffin	“Yes”
Council Member Gibbons	“Yes”
Council Member Sears	“Yes”
Council Member Duwe	“Yes”
Council Member Zimmer	“Yes”
Council Member Ward	“Yes”
Council Member Wurtz	“Yes”

The meeting was closed.

MOTION TO OPEN THE MEETING

Motion was made by Council Member Zimmer and seconded by Council Member Duwe to open the meeting.

Roll Call Vote as Follows:

Mayor Griffin	“Yes”
Council Member Gibbons	“Yes”
Council Member Sears	“Yes”
Council Member Duwe	“Yes”
Council Member Zimmer	“Yes”
Council Member Ward	“Yes”

The meeting was opened.

APPROVAL OF NOVEMBER 19, 2020 WORK SESSION MINUTES

Motion was made by Council Member Ward and seconded by Council Member Zimmer to approve the November 19, 2020 work session minutes. The motion was unanimously approved.

SOUTH GEYER ROAD RAILROAD IMPROVEMENTS

Public Services Director Bill Bensing updated Council on meeting with the representatives from the railroad regarding the railroad crossing near South Geyer and Monroe Place. Currently, there are barriers with delineators installed at this crossing. Council has requested Staff to get information about changing this crossing to a four-quadrant gate system.

The representatives from the railroad mentioned the two gates and signal box need to be replaced and the four-quadrant gate system would have to be purchased by the City. The railroad would use vendors of their choosing. A written request of cost has been submitted to the railroad. The estimated cost for a four-quadrant gate system will cost \$300,000-\$500,000. A discussion took place. Some of the issues discussed are as follows:

- The City could possibly negotiate the price of the project since equipment upgrades are needed at this time
- There was no indication of when the upgrades are needed to be completed

There being no further matters to come before the council, the meeting was adjourned.

Laurie Asche, CMC/MRCC
City Clerk

MEMORANDUM

TO: MAYOR & COUNCILMEMBERS
FROM: JONATHAN D. RAICHE, PLANNING & DEVELOPMENT SERVICES DIRECTOR *JDR*
SUBJECT: DEVELOPMENT REGULATION REWRITE -
COUNCIL VOTE REQUEST
DATE: DECEMBER 8, 2020
CC: RUSS HAWES, CHIEF ADMINISTRATIVE OFFICER
BILL BENSING, PUBLIC SERVICES DIRECTOR
JOHN HESSEL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET®

The City Council was scheduled to vote on the Kirkwood By Design proposal in March; however, these votes have been delayed due to the COVID-19 pandemic. Staff strongly believes that the Kirkwood By Design process which spanned approximately 12 months, until it was delayed, should be revived at this time. The process included multiple opportunities for public input through open-houses, online surveys, and formal public hearings. The process was led by a 6 member Steering Committee that consisted of 3 City Councilmembers and 3 Planning & Zoning Commissioners who dedicated countless hours to reviewing the details of the code and providing direction to Staff and the City's consultant team to ultimately prepare the draft code. The code re-write project includes numerous changes that will provide more efficient review processes, updated regulations, and a code that is better aligned with the long-range vision that the City has created in its recent planning efforts.

The recommendations of the Steering Committee established for the City's comprehensive rewrite of various development regulations were presented to the Planning & Zoning Commission on January 8th and January 29th. As a result of those meetings, the P&Z Commission passed various amendments to the draft code dated December 18, 2019. A copy of the December 18, 2019 draft was provided to the Mayor and City Council serving at that time. The City Council held a special public hearing on February 27, 2020. In preparation for the public hearing on February 27, 2020, Staff provided the Mayor and City Council with a memo summarizing the various amendments to the draft code dated December 18, 2019 that were recommended by the Planning & Zoning Commission. For reference, a copy of that memo dated February 20, 2020 is attached. The City Council can merely reference this memo and its contents in a motion for amendment to provide direction for Staff to reference said amendments in the ordinance adopting the new code.

At this time we are requesting that the City Council consider reviving this project to provide the City with the updated development regulations that will better serve the Community. Since the public hearing, Staff has heard various concerns from Councilmembers and Staff has also identified additional recommendations for consideration. We have prepared language for various potential amendments for the City Council to consider on the following pages.

Incorporating Text Amendments already approved since February 27, 2020:

A) Motion to add in alphabetical order to section 25-104 General Definitions:

“Motor vehicle repair shops, minor (private)

An establishment whose principal business activity includes incidental repairs, replacement of parts, and motor service to motor vehicles, but not including an operation specified under “Motor vehicle repair, major”. Said facility must be operated by an automotive dealership that is owned and operated within the city limits of Kirkwood. Said facility shall provide services only to vehicles owned by said automotive dealership and shall not be open to the public.”

B) Motion to revise Table 25-35: Principally Permitted Use Uses, to add under Commercial, Office, and Mixed Uses in alphabetical order “Motor vehicle repair shops, minor (private)” as a special use “S” in the B-3 district only.

C) Motion to revise Table 65-1: Number of Required Off-Street Parking Spaces to add under Commercial, Office, and Mixed Uses in alphabetical order “Motor vehicle repair shops, minor (private) | 2 spaces per service bay/lift plus 1 space per employee on the maximum shift.

D) Motion to delete subsection, Section 25-50(e)(2) in it’s entirety and to replace it with the following:

“On a Phase 2 Street, a minimum street frontage occupation requirement of 75 percent shall be provided. **However, with respect to corner lots only, said minimum frontage occupation requirement shall not apply to Downtown Phase 2, B-streets provided that the frontage occupation requirement is met on the A-street frontage of said corner lot. In the event said corner lot fronts on two Phase 2, B-streets, then said frontage occupation requirement shall apply only to one such street frontage.**”

Additional Staff Recommendations:

A) **Revision of Half-Stories Standards**

Motion to revise the half-story definition in Section 25-48(c)(2) under Site Development Standards for Residential Zoning Districts to read in its entirety (with changes in red):

- (i) A half-story is a space under a sloping roof that has the line of intersection of roof decking and exterior wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area **of the story immediately below** is used for residential living purposes.
- (ii) ~~Floor~~ **All** areas with a ceiling height of five feet or greater, **whether finished floor space or not**, shall be included in the calculation of the maximum floor area ratio allowed in § 25-48(e). See Figure 48-E, Figure 48-F, and Figure 48-G.
- (iii) A half-story may only be permitted in a structure with a hip or gable roof.**
- (iv) A half-story shall not contain cantilevered areas, or more than 25 percent open dormer floor area **measured where the dormer ceiling intersects the roof line.**
- (v) In single-family dwellings, a half-story shall not contain independent apartment or living quarters, **or it will be deemed a full story.**

B) **Revision of Oversized Accessory Structure Height**

Motion to change “15” to “18” feet in Section 25-42(j)(3) under Accessory Uses and Structures, General Provisions, Setback and Location Requirements so that the section now states:

“(3) Any accessory building that exceeds 18 feet in height shall maintain a minimum side and rear setback equal to the side setback required for principal buildings in the applicable zoning district. See Figure 42-A.”

C) Addition to Allow Rear Porch or Deck encroachments on nonconforming setbacks

Motion to delete Section 25-47(d)(2)(iii) as duplicative.

Motion to revise Section 25-47(d)(7)(i) to state:

“If § 25-48(b)(2) ~~or § 25-49(e)(7)(i)~~ dictates the front setbacks, encroachments are permitted as provided for in Table 47-1.”

D) Correct permitted encroachments in nonresidential district

Motion to revise Section 25-47(e)(2)(ii) to change “12 inches” to “30 inches” to conform with Table 47-2.

E) Remove 5% Lot Coverage bonus for 1.5 story homes; 5% bonus would only apply to 1 story homes.

Motion to revise Table 48-6 in Section 25-48(d) to remove the 5% lot coverage bonus for 1.5 story homes by revising the “Number of Story” subcategories for all lots in R1, R2, R3, and R4 from “2 or more” and “1.5 or less” to “Greater than 1 story” and “1 story”.

F) Remove the mural clause from the sign code (Sec 5-9(5)) to allow for further evaluation and discussion regarding the possibility of allowing murals within Kirkwood.

Motion to remove Section 5-9(5) of the sign code and to renumber all subsequent sections appropriately.

G) Change in size of signs to accommodate temporary signs with a commercial message in nonresidential zoning districts

Motion to revise Section 5-16(d)(1) to change “12 square feet” to “24 square feet”.

Motion to revise Section 5-16(d)(2)(ii) to change “24 square feet” to “48 square feet”.

H) Convert residential density requirements from “SF of Lot Area per unit” to “Dwelling units per acre” and to allow flexibility for residential unit density at City Council discretion

Motion to revise Section 25-36 (e)(1) and 25-36(f)(1) to read:

- (1) The maximum density shall be 14 dwelling units per acre unless located within the Downtown Master Plan Study Area, in which case the maximum density shall be 43 dwelling units per acre; however, said requirements may be modified subject to review by the Planning & Zoning Commission and approval by the City Council.

I) Re-instate Site Plan Modification Process for all but height and density

Motion to revise the following sections to accommodate retaining the Site Plan Modification process.

Section 25-19(b)(2)(i) to read:

- (i) The Director of Public Services shall be responsible for reviewing and making a decision on site plan review applications for any application where the proposed use, building, or structure is permitted or permitted with standards as established in § 25-35 unless the application

contains a simultaneous application for alternative equivalency review **or site plan modifications**, in which case the site plan shall be subject to major site plan review.

Section 25-19(b)(2)(iii) to read:

- (ii) Any site plan review application that includes a request for alternative equivalency review pursuant to § 25-22 **and/or site plan modification pursuant to § 25-19(g)** shall be reviewed as a major site plan review.

Add a new Section 25-19(g) and renumber all subsequent sections. The new section would read:

(g) Site Plan Modification

Modifications from existing zoning requirements may be considered by the Planning and Zoning Commission and the City Council in relation to property line setback(s) [except for the setback line(s) directly adjacent to properties zoned residentially], street frontage occupation, landscape requirements, and parking requirements designed for conventional development. If the developer can demonstrate that one or more of the numbered objectives listed below are achieved at a higher level than the minimum requirements in an effort to provide additional community benefit to justify the requested modification of certain zoning requirements. The City may grant a modification to one or more of the zoning requirements listed above. Final determination of whether the proposed design warrants modification from existing zoning requirements is at the sole discretion of the City Council.

- (1) Provision of landscaping that is of an equal or higher quality than is possible under the regulations otherwise applicable to the property. Quality includes vegetation that is appropriate to the climate as well as quantity.
- (2) Functional and beneficial uses of open space areas and preservation and protection of natural features of a development site, inclusive of preservation, planting, maintenance, restoration, protection and survival of desirable tree canopy areas within a development site.
- (3) Consideration of the impact on neighboring residential properties resulting from nonresidential uses within the development, including but not limited to protecting the existing neighborhood assets and quality of life.
- (4) Rational and cost-effective development in relation to public services and the installation and maintenance of public and private infrastructure by reducing the distance utilities are extended and installed, and/or by reducing the width and length of streets.
- (5) Design for efficient and effective traffic circulation, both within and adjacent to the development site, and the encouragement of pedestrian and nonmotorized pathway utilizing site features compliant with the land use plan.
- (6) Providing safe access to the development for all users, including pedestrians, cyclists, and individuals with disabilities.
- (7) To decrease or minimize negative stormwater impacts by reducing the amount of impervious surfaces in site development.
- (8) Consideration of the impact on nearby historic districts and landmarks whether designated locally or nationally.

City Council Initiated Recommendations to allow further discussion

A) B2 Building Height revert to current code

- a) Motion to delete section 25-46(j)(2) and renumber all subsequent items as necessary:

- b) Motion to revise Table 49-1 to remove the following statement under B-2 Maximum Building Height:
“See Section 25-50 for height standards in the Downtown Master Plan Study Area”.
- c) Motion to revise Table 49-1 to replace the Floor Area Ratio requirement for the B-2 district of “None” with a value of “2.5”.
- d) Motion to revise Table 49-1 to remove the following statement in the Maximum Building Height section for the B-2 District: “See Section 25-50 for height standards in the Downtown Master Plan Study Area”.
- e) Motion to revise Section 25-49(b)(2) to read as follows:
“When a building in the B-2 District is part of a mixed-use development, the height shall not exceed 60 feet, subject to approval by the City Council as part of a site plan review. Architectural features may be permitted above the height limitations provided that the space above the maximum height is not occupied, not used for storage, and is approved by the City Council as part of a site plan review.”
- f) Motion to delete Section 25-50(f).

B) FAR revert to current code

Motion to remove Sections 25-46(g)(3) and to renumber all remaining subsections; and to amend Section 25-46(g)(5) to read:

“Half-story floor areas as defined by Section 25-48(c)(2), basement areas that are not defined as a story per § 25-46(h), and unenclosed patios, porches, or decks are excluded.”

and 25-48(c)(2)(ii) to read:

“All areas with a clearance height of five feet or greater, whether finished floor space or not, shall be included in the calculation of the maximum floor area ratio allowed in § 25-48(c). See Figure 48-E, Figure 48-F, and Figure 48-G.”

C) Revert residential setbacks to current code

Revise Table 48-4 to the following:

TABLE 48-4 : SIDE YARD MODIFICATIONS IN RESIDENTIAL ZONING DISTRICTS	
District	Side Yard Setback (Each Side) (Feet)
R-1	1/6 of lot width, but not less than 12 feet
R-2	1/6 of lot width, but not less than 12 feet
R-3	20% of lot width or 12 feet, whichever is smaller
R-4	13% of lot width, but not less than 5 feet
R-5	13% of lot width, but not less than 5 feet
NOTES: When side yard modifications listed in this table are utilized, additional restrictions on permitted encroachments apply. See § 25-47(d)(7).	

MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: JONATHAN D. RAICHE, CITY PLANNER *JDR*
SUBJECT: DEVELOPMENT REGULATION REWRITE -
P&Z AMENDMENTS TO DRAFT CODE
DATE: FEBRUARY 20, 2020
CC: RUSS HAWES, CHIEF ADMINISTRATIVE OFFICER
BILL BENSING, PUBLIC SERVICES DIRECTOR
JOHN HESSEL, CITY ATTORNEY



WHERE COMMUNITY AND SPIRIT MEET®

The recommendations of the Steering Committee established for the City's comprehensive rewrite of various development regulations were presented to the Planning & Zoning Commission on January 8th and January 29th. As a result of those meetings, the P&Z Commission passed various amendments to the draft code dated December 18, 2019. A copy of the December 18, 2019 draft was provided to the Mayor and City Council.

Staff is now providing this memo along with 25 attached pages as a summary of the recommended amendments that were made by the P&Z Commission. Staff recommends that these red-lined revised pages be inserted into the binders previously provided on top of the existing page. Please note that some of the red-lined page numbers will not correspond exactly with the page numbers from the December 18, 2019 draft due to formatting shifts that occurred with the revisions; however, the section and subsection references should still be accurate for comparison. This "slip-sheet" style will allow the Council to see the revised sheets in context without losing the comparison of the original recommendation from the Steering Committee. Prior to final adoption, Staff will provide a "clean" version of the code which incorporates the P&Z Commission recommendations subject to any amendments made by the City Council.

The attached red-lined pages include minor typographical errors and substantive issues raised during the P&Z Commission review or by Staff. No changes were made by the P&Z Commission to the Steering Committee's recommendations on the Architectural Review Board (Chapter 2) or Board of Adjustment (Chapter 2). Only two minor changes were made to the Steering Committee's recommendations on the Sign Code (Chapter 5) and were limited to the definitions section. The following is a bulleted list of where the more substantive changes made to Chapter 25 of the Zoning and Subdivision Code can be found:

- Section 25-21 (c) on pages 29-30
- Section 25-23 on page 34
- Section 25-26 on page 40
- Section 25-46 (f) and (g) on page 86
- Section 25-47 (d)(7) on page 94
- Section 25-49 (c)(3)(iii) on page 109
- Section 25-67 on page 181
- Section 25-69 (a) on page 185
- Section 25-75 (k) on page 193
- Table 81-3 on page 200

- (5) Any sign which is placed, installed or erected on a public right-of-way without proper authorization may be removed by the City without notice. The owner of the sign or premises owner or sign erector shall be charged for removal costs in accordance with Subsections (2) and (3) above.

§ 5-20. Definitions.

All provisions, terms, phrases, and expressions contained in this article shall be construed according to this article's stated purpose and intent. Where a term used in this article is not defined in this section but is defined in Chapter 25 of the Municipal code, the term shall be as defined in Chapter 25 of the Municipal Code.

Air-Activated Graphic

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for "Sign, Balloon."

Approved Combustible Plastic

A plastic material more than 1/20 inch thick which burns at a rate of not more than 2.5 inches per minute when subjected to ASTM Standard Test for Flammability of plastics in sheets of 0.06 inch thickness.

ARB

Architectural Review Board of the City of Kirkwood, Missouri

Awning

Any structure entirely supported by the wall to which it is attached and which has a frame covered by a temporary material and/or which can be retracted against the wall by which it is supported.

Building Commissioner

The Building Commissioner of the City of Kirkwood, Missouri, or their designee.

Building Unit

Any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.

Building, Multi-Tenant

Any building that contains more than one building unit.

Building, Single-Tenant

Any building that is considered a singular building unit or that is leased by a single person or business.

Canopy

Any structure attached to the building at the inner end and supported on the outer end in conformance with the Building Code of the City of Kirkwood.

Channel Lettering

A sign that consists of custom-made metal or plastic that ~~are~~is covered in a translucent plastic material, often internally illuminated. The space between the letters is not part of the sign structure but rather the building façade though the space may count toward the sign area depending on how the letters are grouped and calculated in accordance with [§ 5-13](#).

City

The City of Kirkwood, Missouri

Electronic Message Center

A sign whose alphabetic, graphic, or symbolic informational content or display, either in whole or in part, composed of electrically illuminated or mechanically driven changeable segments, may be changed or altered by means of electrical, electronic, or computerized programming (e.g. electronic or digital signs).

Sign, Marquee

Any sign attached to a marquee.

Sign, Monument

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood as required by the ARB to blend with materials of the main structure, or be screened with evergreens to the top of the anchor bolts.

Sign, Illegal Nonconforming

Any sign that does not conform to these sign code requirements and does not meet the definition of a "Sign, Legal Nonconforming".

Sign, Legal Nonconforming

Any sign which was erected legally prior to the adoption of this code, or amendment thereto, but which does not comply with subsequently enacted sign restrictions and regulations ~~or a sign which does not conform to the sign code requirements.~~

Sign, Permanent

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Pole

Also commonly known as a "post" or "standard sign," means any detached sign supported by one or more stationary poles longer than five feet above the mean grade line of the base or ground.

Sign, Portable

Any sign not attached to the ground in either a temporary or permanent manner. Portable signs shall also include any sign designed to be transported, including signs designed to be transported by means of wheels.

Sign, Projecting

A sign that is affixed perpendicular to a building or wall and extends more than 15 inches beyond the face of such building or wall.

Sign, Roof

Any sign erected on a roof.

Sign, Sidewalk (A-Frame)

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established in [§ 5-16](#).

Sign, Sidewalk (T-Frame)

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established in [§ 5-16](#).

Sign, Temporary

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, Wall

Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any occupied building and supported by such wall or building, and which displays only one advertising surface.

§ 25-2. Title.

- (a) Ordinance No. <>¹, passed on <>, and ordinances supplementing or amending such ordinance shall be known, cited, and referred to as the “City of Kirkwood Zoning and Subdivision Code”, or referred to as the “zoning and subdivision code” or the “code.”
- (b) Any references to the “zoning code” or the “subdivision code” are deemed a reference to this code.

§ 25-3. Effective Date.

This code, and any amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law.

§ 25-4. Authority.

The authority for the preparation, adoption, and implementation of this code is derived from the City of Kirkwood Charter and the legislative enactments of the City of Kirkwood City Council.

§ 25-5. Applicability.

(a) General Applicability

- (1) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used, occupied, or be designed to be used, except in full compliance with all the provisions of this code and, when required, after the lawful issuance of the permits or approvals required by this code.
- (2) No land shall be subdivided after the effective date of this code without complying with the requirements of this code.
- (3) No building construction or improvement, such as sidewalks, water supply, stormwater drainage, sewage facilities, gas service, electric service, street lighting, or the grading, paving or surfacing of any street, shall hereafter be made within any such subdivision by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or by his or their agent until the final plat for the subdivision has been properly reviewed by the Planning and Zoning Commission and officially approved by the City Council ~~of the City of Kirkwood~~.
- (4) Existing lots, buildings, structures and uses of land that do not comply with the regulations of this code are subject to the nonconformity regulations set forth in [Article XII: Nonconformities](#).

(b) Essential Services Exempted

- (1) The erection, construction, alteration, or maintenance of any of the following essential services by a public utility or by the City of Kirkwood where reasonably necessary for the furnishing of adequate service by such public utility or the City for the public health, safety, convenience, or general welfare, are exempt from this code:
 - (i) Overhead, surface, or underground distribution, collection, and transmission lines for gas, steam, or water;
 - (ii) Overhead, surface, or underground communication lines and except for telecommunication facilities as regulated in this code;

¹ The “<>” symbol is a placeholder for the adoption date and ordinance number.

- (i) The construction and expansion of all new multi-family dwellings, including mixed-use buildings, that contain dwelling units, and any related accessory buildings;
 - (ii) The construction and expansion of new principal and accessory buildings in all nonresidential zoning districts;
 - (iii) The construction of permanent signs in all zoning districts unless specifically exempted in §5-9 and or §5-10 of Chapter 5, Article II, of the Municipal Code; and
 - (iv) The approval of master sign plan applications as allowed in §5-17 of Chapter 5, Article II, of the Municipal Code.
- (5) The following development and activities are exempt from architectural review:
- (i) Painting or general maintenance of a structure;
 - (ii) Changes in occupancy not involving structural or exterior work; and
 - (iii) Any interior renovations that will not alter and/or affect the exterior elevations and facade of the building or structure or any architectural features that are visible from the outside.
- (c) **Architectural Review Procedure**
The review procedure for architectural review shall be conducted as established in this section. A pre-application meeting (See [§ 25-16\(f\)](#).) is encouraged, but not mandatory, prior to submission of the application.
- (1) **Step 1 - Application**
- (i) The applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section.
 - (ii) In submitting an application, the Director of Public Services or the Architectural Review Board may request that the applicant provide exhibits, sketches, examples of materials, renderings, or other documentation to assist in its decision.
- (2) **Step 2 – Staff Review and Transmission to the Architectural Review Board**
Upon determination that an architectural review board application is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Architectural Review Board prior to the meeting where the application is to be reviewed.
- (3) **Step 3 – Architectural Review Board Review and Decision**
- (i) The review of applications by the Architectural Review Board shall be as set forth in this subsection.
 - (ii) The following shall apply to all applications for architectural review, regardless if the decision is related to signs, advisory decisions, or binding decisions.
 - a. Following receipt of the building permit application, the Architectural Review Board shall hold a public meeting to review the application.
 - b. Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#), but the Director of Public Services shall post notice on the property when the Architectural Review Board is making a binding decision.

- c. In reviewing the application, the Architectural Review Board shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria of this section.
- ~~d. In making its decision, the Architectural Review Board may approve, approve with modifications or supplementary conditions, or deny the application.~~

(iii) Advisory Decisions

- a. Within 180 days after the building application is determined to be complete, the Architectural Review Board shall review any application for a development or activity that is subject to an advisory decision on architectural review.
- b. For advisory decisions, the Architectural Review Board shall not be authorized to deny an application, however, if the Architectural Review Board and the applicant fail to reach an agreement on design modifications to a structure subject to an advisory decision within 180 days, the Building Department shall process the building permit application as submitted by the applicant.
- c. If the Architectural Review Board fails to act within 180 days from the date the application is determined to be complete, or an extended period of time as may be agreed upon by the Architectural Review Board and the applicant, then the application shall be considered approved as submitted by the applicant, as described in this section.

(iv) Binding Decisions

- a. Within ~~180~~90 days after the architectural review board application is determined to be complete, the Architectural Review Board shall review any application for a development or activity that is subject to a binding decision on architectural review, and shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services, all documents and reports submitted by the applicant, and review criteria of this section.
- b. If the Architectural Review Board fails to act within ~~90~~180 days from the date the application is determined to be complete, or an extended period of time as may be agreed upon by the Architectural Review Board and the applicant, then the application shall be considered approved as submitted.
- c. A master sign plan application shall be subject to the above deadline.
- d. In making its decision, the Architectural Review Board may approve, approve with modifications or supplementary conditions, or deny the application.

(v) Sign Permit (Binding) Decisions

- a. Within 30 days after the building application is determined to be complete, the Architectural Review Board shall review any application for a sign subject to architectural review.

§ 25-23. Administrative Waivers.

(a) Purpose

The purpose of the administrative waiver is to allow for minor waivers of dimensional requirements where the applicant can demonstrate a true practical difficulty, but that the request is minor in nature and may be evaluated by the Director of Public Services rather than the Board of Adjustment.

(b) Applicability

(1) The Director of Public Services may grant administrative waivers for any area or dimensional regulation that does not exceed 10 percent of the applicable minimum or maximum regulation. Area and dimensional regulations include, but are not limited to, minimum front, side, and rear yard setbacks; maximum height of structures; maximum sign height; maximum sign area, etc.

(2) An administrative waiver may only be requested for applications related to the expansion or alteration of an existing principal or accessory building or structure on a lot where the principal use will be a single-family dwelling. Administrative waivers shall not be considered for the new construction of a building or structure.

(3) An administrative waiver for a minimum lot area or lot width requirement is prohibited.

~~(4)~~ The applicant shall be required to apply for a variance for any waiver request that exceeds 10 percent or other variations from the code that do not qualify for administrative waivers.

~~(4)(5)~~ Waivers for a side yard setback in the R-3 District that result in a setback of less than eight feet are not eligible for consideration. Waivers for a side yard setback in the R-4 District that result in a setback of less than five feet are not eligible for consideration.

(c) Administrative Waiver Review Procedure and Decision

(1) Administrative waivers shall be reviewed as part of the building permit review.

(2) In making a decision on the administrative waiver, the Director of Public Services shall approve, deny, or refer the application to the Board of Adjustment. All granted waivers shall be reported quarterly to the Board of Adjustment.

(3) In approving an administrative waiver, the Director of Public Services may impose conditions as they may determine are required to ensure compliance with the standards of this administrative waiver section and the purpose of this code. Any conditions established by the Director of Public Services shall relate directly to the requested administrative waiver.

(d) Review Criteria for Administrative Waivers

The review criteria for an administrative waiver shall be the same as an area or dimensional variance as established in [§ 25-24\(c\)\(1\)](#).

(e) Time Limits

An approval of an administrative waiver shall expire if the approval of the building permit expires or if the building permit is revoked.

(f) Right to Apply for Variance

If the Director of Public Services denies the application, the applicant shall have the right to apply for a variance as established in [§ 25-24](#).

- (i) The proposed subdivision is located along an existing public street and involves no opening of any new street, or the widening or extension of an existing street, or the installation of any other public improvements;
 - (ii) The subdivision shall not result in or create more than one additional lot above the total number of parent lots (e.g., one lot split from a larger parent lot or the consolidation of two pieces of land from two adjacent lot splits), unless otherwise allowed in the B-4 and B-5 Districts as established below;
 - (iii) The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
 - (iv) The subdivision shall not require a subdivision modification;
 - (v) The subdivision shall not require the dedication of rights-of-way; and
 - (vi) No landlocking of parcels shall occur as a result of the minor subdivision, unless otherwise allowed in the B-4 and B-5 Districts as established below.
- (2) A minor subdivision process shall be applicable for the creation of condominium plats as defined by Chapter 448, RSMo.
 - (3) A minor subdivision process shall be applicable for boundary adjustments ~~between two lots that result in or create no additional lot.~~
 - (4) Where the City Council has approved a development plan in the B-4 or B-5 Districts that includes the subdivision of land into any number of lots and where the subject development plan includes a cross-easement agreement or other form of agreement, such subdivision of land may be reviewed as a minor subdivision provided that the property remains under the terms and conditions of the development plan.
 - (5) All other forms of land subdivision and/or public improvements shall be subject to the provisions of [§ 25-27](#).
- (c) **Sale of Land in Subdivisions, Start of Construction, and Permitting**
- (1) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.
 - (2) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
 - (3) The Director of Public Services shall not issue building permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.
- (d) **Minor Subdivision Review Procedure**
- The review procedure for a minor subdivision shall be conducted as established in this section.
- (1) **Step 1 – Application**
 - (i) The applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section and require the submission and approval of a preliminary plat and a final plat.

(b) Explanation of Table of Permitted Uses

(1) Permitted Uses

- (i) A "P" indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- (ii) Permitted uses may be approved through the occupancy or building permit process unless a site plan review is required in accordance with [§ 25-19](#).

(2) Permitted Uses with Standards

- (i) A "PS" indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 35-1](#). Permitted uses with standards are subject to all other applicable standards of this code.
- (ii) Uses permitted with standards may be approved through the occupancy or building permit process unless a site plan review is required in accordance with [§ 25-19](#).

(3) Special Uses

- (i) An "S" indicates that a use may be permitted if approved through the special use permit review procedure (See [§ 25-20](#)). Special uses may be subject to use-specific standards as identified in the last column of [Table 35-1](#). Special uses are subject to all other applicable standards of this code.
- (ii) The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any special use listed in the table shall be subject to the general review standards for all special uses established in [§ 25-20\(e\)](#).
- (iii) Where a use is listed as P/S or PS/S, there may be certain circumstances in which a special use approval may be required rather than the use being permitted or permitted with standards. The specific approval required shall be as established in the use-specific standards.

(4) Prohibited Uses

- (i) A blank indicates that a use is prohibited in the respective zoning district.
- (ii) Any use not specifically listed shall be considered prohibited unless approved through a code text amendment or similar use determination.

(5) Use-Specific Standards

- (i) The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.
- (ii) Use-specific standards shall only apply if the use is permitted with standards (PS) or a special use (S).

(6) Use Determination and Unlisted Uses

- (i) The Director of Public Services shall make the determination if a proposed use is permitted, permitted with standards, a special use, or a prohibited use under the provisions of this section.

(e) Lot Width Measurements

Lot width is the dimension of a lot, measured between side lot lines on the front building line as depicted in [Figure 46-A](#). Said provision is applied to the standard front building lines listed in [§ 25-48\(b\)](#) and [§ 25-49\(c\)\(1\)](#) through [§ 25-49\(c\)\(6\)](#), not those modified through [§ 25-48\(b\)\(2\)](#) or [§ 25-49\(c\)\(7\)](#).

(f) Lot Coverage Measurements

- (1) The lot coverage is calculated as a percentage of lot area covered by all buildings or structures on the lot (footprint) divided by the total lot area. Buildings include any structure or part of a structure covered by a roof, including, but not limited to, residences, cantilevered floor area, unenclosed porches, garages, gazebos, sheds, breezeways, carports, etc.
- (2) An area not to exceed ~~200~~300 square feet of an unenclosed front porch shall be deducted from the lot area coverage.
- (3) The area of lot coverage is calculated from the foundation footprint of all buildings, at grade, and shall include areas mentioned above regardless if a foundation is provided.

(g) Floor Area Ratio (FAR) Measurements

The Floor Area Ratio (FAR) of a lot is calculated by totaling the floor area of each story of the principal structure and dividing the total floor area of all stories of the principal structure by the total lot area as follows:

- (1) Floor area for the first and full second floor shall be measured from the exterior of the building excluding exterior wall treatments (e.g., siding, brick, etc.).
- (2) Any area with a ceiling height greater than 15 feet shall be counted at 200 percent.
- (3) All floor space above 5 feet in height in a half-story shall be counted at ~~400~~50 percent if the space is conditioned or provides access through a permanent staircase. See also [§ 25-48\(c\)\(2\)](#) for calculation of half-stories.
- (4) Attached garages, carports, or porte cocheres shall be counted at ~~400~~50 percent of the floor area.
- (5) Basement areas that are not defined as a story per [§ 25-46\(h\)](#) and unenclosed patios, porches, or decks are excluded.

(h) Measurement of Number of Stories

- (1) The number of stories shall not include basement areas except when said basement, excluding any basement level garage, is more than four feet above the adjacent grade for more than 10 percent of the façade along any street frontage when measured from the top of the foundation.
- (2) The exclusion of any basement level garage shall include the area of the garage door plus an additional two feet on each side of the door.

(i) Buildable Area Measurement

The buildable area is that area of a lot enclosed by the side, rear, and front yard setback lines.

(j) Building Height Measurements and Exceptions

Building height shall be measured in accordance with the following:

(b) Lot Width and Yard Areas

No building or structure shall be erected or enlarged unless the following lot width and yard requirements are provided and maintained in connection with such building, structure, or enlargement, unless otherwise provided herein.

(c) Lot Frontage

- (1) All lots shall have at least 90 percent of the required minimum lot width as frontage on the right-of-way line except for lots with frontage on cul-de-sacs and turnarounds, which shall have at least 50 percent of the required minimum lot width as frontage on the right-of-way line.
- (2) Lots of a flag configuration that could place a dwelling unit behind a dwelling unit shall not be platted. Lots that conform to [§ 25-47\(c\)\(1\)](#) above shall not be considered lots of a flag configuration.

(d) Permitted Encroachments in Residential Districts

- (1) [Table 47-1](#) establishes the distance of which certain features may encroach into established front, side, and rear yard setbacks within residential districts.
- (2) **Nonconforming Setback Compliance**
 - (i) For structures that were legally constructed in a residential zoning district and that contain front yard, rear yard or side yard setbacks that are not in conformance with this code, the existing front, rear, and/or side yard setbacks of the principal structure that are not in conformity shall be considered as the setbacks for the subject property for the purpose of additions, alterations, and expansions, except that in no case shall the minimum front, rear or side yard setback be less than five feet.
 - (ii) However, construction in front of the existing front yard building line shall be permitted if it satisfies the averaging requirements of [§ 25-48\(b\)\(2\)](#).
 - (iii) When nonconforming setbacks are considered as the required setbacks, the only encroachments permitted are porches; ~~and~~, roof overhangs, sill, belt courses, cornices and other architectural features not to exceed 30 inches into the yard; however, only roof overhangs shall be permitted within five feet of any property line. ~~Front p~~orches encroachments permitted under this section shall be permitted no more than 10 feet in front of the setback as established in [§ 25-48\(b\)\(2\)](#).
- (3) In no case shall the front, side, or rear yard setbacks for the principal structure be less than five feet.
- (4) This section shall not prevent the repair of existing legal nonconforming encroachments, including replacement of exterior HVAC equipment or home generators.
- (5) Accessory structures shall be subject to the provisions of [Article V: Accessory Uses and Structures](#) and are not subject to the requirements of this section.
- (6) Fences or walls are permitted within front, side, and rear yard setbacks in conformance with Chapter 5, Article IV of the Municipal Code.

TABLE 47-1: PERMITTED ENCROACHMENTS IN RESIDENTIAL DISTRICTS			
Encroaching Feature	Maximum Allowed Encroachment [1]		
	Front Yard	Side Yard	Rear Yard
Cantilevered interior space such as bay windows no more than 16 feet in width	24 inches [2]		36 inches
Unenclosed porch or deck not more than one story in height or paved patio	10 feet		10 feet
Enclosed vestibule containing not more than 40 square feet (in multi-family districts only)	4 feet		
Roof overhangs, sills, belt courses, cornices and other architectural features	30 inches	30 inches	30 inches
Fireplaces and chimneys, ground level or cantilevered		24 inches	36 inches
Air conditioning units or home generators		Against the foundation wall or as close as possible to the foundation wall as approved by the City	Against the foundation wall or as close as possible to the foundation wall as approved by the City

NOTES:
 [1] See § 25-47(d)(7) for exceptions to encroachments.
 [2] In the R-5 District, front yard encroachments shall not include cantilevered interior space such as bay windows.

(7) Exceptions to Encroachments

~~(i) — When side yard lot reductions provided for in § 25-48(b)(3) are utilized, side yard encroachments are strictly limited to roof overhangs, sills, belt courses, cornices and other architectural features as provided for in Table 47-1 within the first five feet for the R-4 and R-5 Districts and within the first eight feet for the R-3 District. No other encroachments will be permitted within these restricted areas.~~

~~(ii)(i) If § 25-48(b)(2) or § 25-49(c)(7)(i) dictate the front setbacks, encroachments are permitted as provided for in Table 47-1.~~

~~(ii)(ii) For additions, alterations, and expansions to nonconforming structures, when nonconforming setbacks are considered the required setbacks; or for structures granted a variance to setback requirements, the only encroachments permitted are roof overhangs, sills, belt courses, cornices and other architectural features as provided for in Table 47-1. Additionally, unenclosed porches or decks not more than one story in height or paved patios are permitted to encroach 10 feet measured from the conforming setback line or the applicable setback line prior to issuance of a variance, whichever is applicable.~~

TABLE 48-2: SETBACKS FOR RESIDENTIAL ZONING DISTRICTS			
District/Use	Minimum Setbacks (Feet)		
	Front Yard [1]	Side Yard (Each Side) [2]	Rear Yard
R-5 Multi-Family, Two-Family, and Row Dwellings	35	12 or 50% of height, whichever is greater	30
R-5 All Other Uses	35	8	30
R-6	40	25	30
R-MM	35	8	30

NOTES:
 [1] [§ 25-48\(b\)\(2\)](#) establishes permitted modifications to front yard setbacks for infill projects. Such modifications shall not apply to the R-6 District.
 [2] When a lot of record having a width less than otherwise required by this code is to be used for a single-family dwelling, the side yard requirements for each side of the building shall be determined based on [§ 25-48\(b\)\(3\)](#).

(2) Front Yard Setback Modifications

In blocks where more than 40 percent of the lots on the block fact are developed with similar uses, the depth of the front yard setback shall be adjusted using one of the following methods:

- (i) The front yard setback distance for an interior lot located between two improved lots shall be determined by averaging the front yard setbacks of the two improved lots as depicted in [Figure 48-A](#).

Article VI: General Development Standards
 § 25-48: Site Development Standards for Residential Zoning Districts.

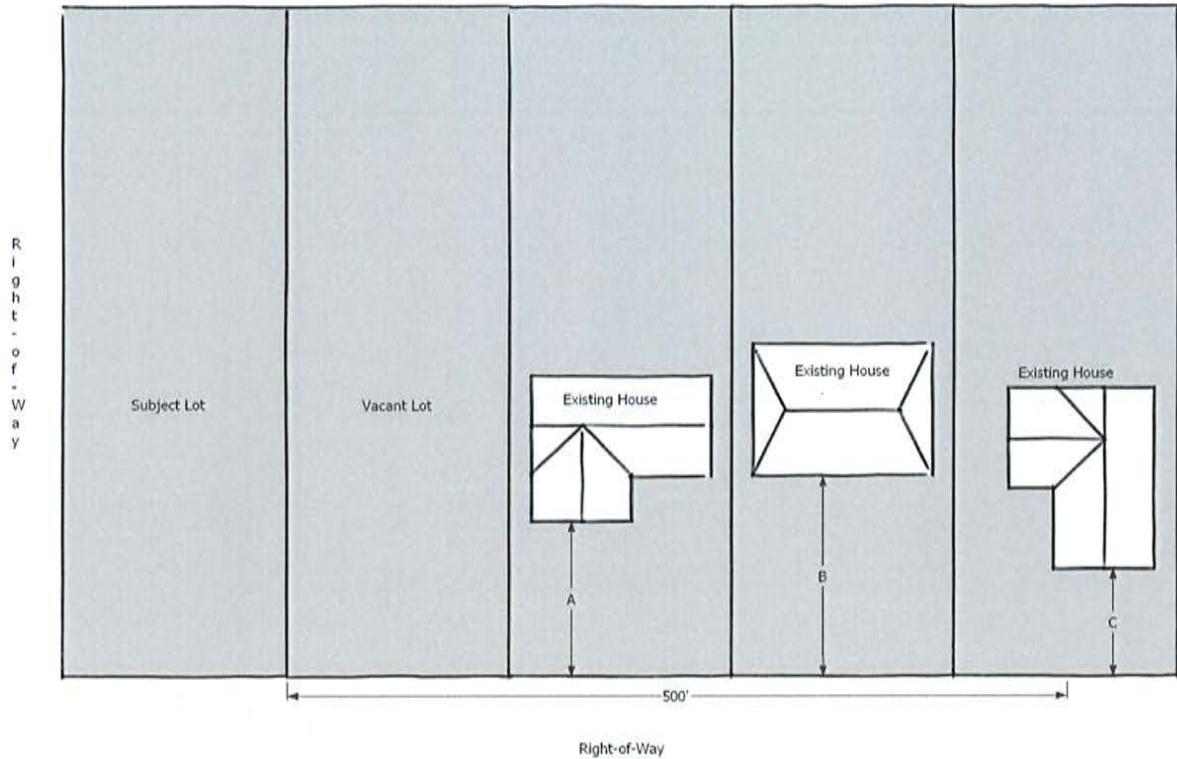


Figure 48-C: Illustration of the averaging of front yard setbacks where the subject lot is between a street and vacant lot. In this example, the front yard setback for the subject lot will equal $(A+B+C)$ divided by three

TABLE 48-3: AVERAGING DISTANCE FOR FRONT YARD SETBACK MODIFICATIONS IN RESIDENTIAL ZONING DISTRICTS	
District	Averaging Distance (Feet) [1]
R-1	500
R-2	400
R-3	350
R-4	200
R-5	300
R-MM	300

(ii) Side Yard Setback

A side yard setback is only required when said side yard abuts a residential district, or when an alley separates said side yard and a residential district. In that case, there shall be a minimum side yard setback equal to that required in the abutting residential district.

(iii) Rear Yard Setback

All buildings and structures shall be set back a minimum of 25 feet from the rear lot line.

(2) Setbacks for the B-2 District

(i) Front Yard Setback

No front yard setback shall be required.

(ii) Side Yard Setback

A side yard setback is only required when said side yard abuts a residential district, or when an alley separates said yard and a residential district. In that case, there shall be a minimum side yard setback equal to 50 percent of the building height, but in no case less than 10 feet.

(iii) Rear Yard Setback

A rear yard is only required when said yard abuts a residential dwelling district, or when an alley separates said yard and a residential dwelling district. In that case, the side yard shall be equal to 50 percent of the building height, but in no case less than 10 feet.

(3) Setbacks for the B-3 District

(i) Front Yard Setback

- a. All buildings and structures shall be set back a minimum of 50 feet from the front lot line.
- b. On a corner lot, the required front yard setback shall be applied to each street frontage if both are major streets. If the side street is not a major street, then the minimum front yard setback shall be 35 feet from the secondary street.
- c. On a block where more than 40 percent of the lots along the same block face are developed, the required front yard setback shall be adjusted in accordance with [§ 25-49\(c\)\(7\)](#).

(ii) Side Yard Setback

A side yard setback is only required when said yard abuts a residential district, or when an alley separates said yard and a residential district. In that case, there shall be a minimum side yard setback equal to one-half the front yard setback required in the abutting residential district; however, the side yard setback need not exceed 20 feet in any case.

(iii) Rear Yard Setback

All buildings and structures shall be set back a minimum of ~~25~~ 20 feet from the rear lot line.

- b. All buildings and structures on lots adjacent to residential districts shall be set back a minimum of 35 feet from rear lots lines adjacent to such residential districts.
- c. No rear yard setback shall be required for those portions of lots that are adjacent to railroad rights-of-way.

(7) **Front Yard Setback Modifications for Infill Developments**

- (i) In the B-1, B-3, and I-1 Districts, on a block where more than 40 percent of the lots along the same block face are developed, the minimum front yard setback shall be adjusted as described below.
 - a. The front yard setback distance for an interior lot located between two improved lots shall be determined by averaging the front yard setbacks of the two improved lots as depicted in [Figure 49-A](#).

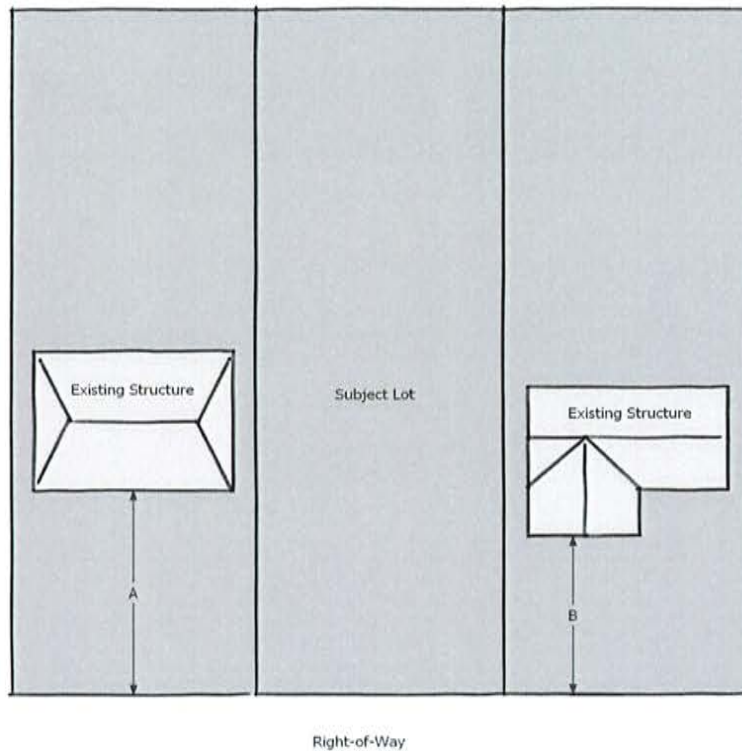


Figure 49-A: Illustration of the averaging of front yard setbacks where the front yard setback for the subject lot is equal to $(A+B)$ divided by two

- b. The front yard setback for a lot located between an improved lot on one side and vacant lot on the other side, or between an improved lot and a street, or between a vacant lot and a street, shall be determined by averaging the front yard setbacks of every improved lot within 200 feet in the same block and on the same street frontage as depicted in [Figure 49-B](#).

TABLE 66-1: QUEUING SPACE REQUIREMENTS		
Activity	Minimum Size of Queuing Lane (Per Lane)	Measured From:
Financial Institutions including any full-service teller lane or Automated Teller Machine (ATM)	9 feet by 60 feet	ATM Machine or Teller Window
Restaurant	9 feet by 160 feet	First Service Window
Car Wash	9 feet by 60 feet	Entry of Washing Bay
Other Uses	As determined by the Director of Public Services	

- (c) When queuing lanes are separated from other queuing lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
- (d) If two or more queuing lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane), the length of the merged lane can count for both of the queuing lanes.
- (e) Vehicles shall not queue within the public right-of-way for service at such drive-in or drive-thru facilities.

§ 25-67. Bicycle Parking Requirements

- (a) The requirements of this section shall apply to the establishment of all new uses and structures approved through a site plan or special use permit procedure. Residential buildings with three or less dwelling units ~~and all properties located on Manchester Road or Kirkwood Road~~ shall be exempt from the requirements of this section.
- (b) Unless otherwise stated, each building and/or use must provide at least one bicycle rack. Independently operated parking structures and parking lots (as opposed to those providing parking dedicated to nearby non-parking uses) must provide at least three bicycle racks.

TABLE 67-1: REQUIRED NUMBER OF BICYCLE RACKS	
Proposed Use	Number of Bicycle Racks Required
Multi-Family Dwellings or Row Dwellings	1 per 6 dwelling units
Retail Businesses	1 per 2,500 square feet
Restaurants or Grocery Stores	1 per 1,500 square feet
General Office and Medical or Dental Facilities	1 per 5,000 square feet
Parking Structures or Lots (operating independently)	1 per 20 parking spaces provided
All Other Uses	1 per 20 required parking spaces

(c) Rules for Computing Number of Required Bicycle Racks

In computing the number of bicycle racks required, the following rules shall govern:

- (1) In the case of mixed uses, the required number of bicycle racks shall equal the sum of the requirements of the various uses computed separately.

- (iv) Where the Kirkwood Pedestrian and Bicycle Plan identifies plans for connectivity on a site that is being subdivided, the subdivision shall incorporate improvements to implement the plan. The City Council, after recommendation from the Planning and Zoning Commission, may approve the designation of right-of-way, with no improved trail or path, or waive this requirement if the proposed trail or path will not extend an existing trail or path adjacent to the subdivision.
- (v) Sidewalks, trails, and bike paths required by this section shall be installed as part of the public improvement plans as established in [§ 25-27](#).
- (vi) Sidewalks, trails, and bike paths shall be constructed in accordance with the standard specifications of the St. Louis County Department of Transportation.
- (vii) Sidewalks, trails, and bike paths shall have a minimum thickness of four inches, except at driveways they shall be seven inches thick.
- (viii) Sidewalks, trails, and bike paths shall be constructed on a two-inch thick stone base consisting of one-inch minus crushed stone. Pavement shall consist of ~~6.25 sack (588 pounds) Type I/II Portland cement per cubic yard; and Class A Meramec sand. At the time of placement, the slump shall be no more than four inches and the entrained air shall be concrete consisting of 6 1/4 sacks of cement per cubic yard, with a maximum slump of four inches. All concrete shall be air-entrained with an air content of between four and percent to six eight percent. No calcium chloride accelerating admixture shall be added to the concrete. The minimum 28-day compressive strength shall be 3,500 psi, shall be added to the mix.~~
- (ix) The minimum width of a sidewalk shall be four feet in industrial and residential areas. In commercial areas, the City Council after recommendation from the Planning and Zoning Commission, shall determine the width of the sidewalk as deemed necessary.
- (x) The minimum width of trails and bike paths shall be as determined by the City Council after recommendation from the Planning and Zoning Commission.
- (xi) All sidewalks and trails shall be constructed to be accessible according to the standards of the Americans with Disabilities Act.
- (xii) In considering the design of all bikes and trails, the City may consider recommendations and best practices from the National Association of City Transportation Officials (NACTO), the American Society of State Highway and Transportation Officials (AASHTO), the Federal Highway Administration (FHWA), and other similar organizations.

(xiii) Sidewalk Waivers

If a developer requests a waiver from the above sidewalk requirements, the City Council, after recommendation from the Planning and Zoning Commission shall determine the feasibility of the sidewalk construction considering, but not limited to, the following factors:

- a. Interference with existing structures;
- b. Existing site grades and roadway grade;
- c. Planned structures;
- d. Drainage patterns and controls;
- e. Federal, state, and county regulations;

Article X: Subdivision Design Standards

§ 25-70. Purpose.

The purpose of this article is to further the purpose of this code and additionally, to:

- (a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Encourage the wise use and management of land and natural resources throughout the City;
- (d) Ensure that adequate public infrastructure, facilities, utilities, and services are available concurrent with development and that they are designed in a manner that supports the future needs of the systems; and
- (e) Encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets.

§ 25-71. Applicability.

- (a) The provisions of this article shall apply to all subdivision of land.
- (b) The provisions of this article shall also apply to the installation of any public improvements whether the subdivision of land is occurring simultaneously or not. Where public improvements are proposed outside of the subdivision review process, the applicant shall be required to submit improvement plans for review, approval, and dedication in accordance with [§ 25-27](#) without having to submit preliminary or final plats.
- (c) The provisions of this article shall be held to be the minimum requirements necessary in the subdivision of land and installation of public improvements and shall not be waived unless approved through the subdivision modification process in [§ 25-27\(i\)](#).

§ 25-72. Conformity to Plans, Zoning, and Engineering Standards.

- (a) The general arrangement and character of lots, blocks, streets, sidewalks, trails, and other public improvements should be consistent with the recommendations of the City of Kirkwood Comprehensive Plan, the Downtown Master Plan and Parking Study, the City of Kirkwood Pedestrian and Bicycle Plan, and any other adopted plans and policies related to the subdivision and development of land.
- (b) Any plans or documents submitted for the subdivision of land or installation of public improvements shall comply with the requirements of this article and any other policies or procedures promulgated by the City Engineer regarding the construction of public improvements.
- (c) Improvements shall be constructed in accordance with the standard specifications of the ~~Department of Highways and Traffic~~[Department of Transportation](#) of St. Louis County, Missouri, except as amended in this code.
- (d) The construction standards may be modified when the modification at least equals the specific construction requirement, meets the intent of the construction standard, provides the City with a superior product, and/or incorporates the latest construction standards/practices of the St. Louis County ~~Department of Highways and Traffic~~[Department of Transportation](#) and the modification is approved, in writing, by the Director of Public Services.

§ 25-73. Installation of Public Improvements.

- (a) Public improvements shall be provided by the person responsible for the subdivision of land or responsible for the development of land where no subdivision is required.
- (b) Drawings and specifications for public improvements shall be reviewed and approved by the City Engineer as part of the review of the improvement plans. See also [§ 25-27](#).
- (c) The installation of all public improvements shall be subject to the City Engineer's continuous inspection.
- (d) The installation of all public improvements required by this code shall be completed in accordance with approved improvement plans.
- (e) At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the City a set of record or "as-built" reproducible drawings as well as a digital copy that is compatible with the City Engineer's software showing the locations of all public improvements including the sizes and elevations of all underground utilities.
- (f) The City shall not accept any public improvement for public maintenance until completion and final inspection and approval by the City Engineer.

§ 25-74. Required Inspections and Fees.

- (a) All improvements proposed to be made under the provisions of this article, both public and private, shall be inspected during the course of construction by the City Engineer. The improvements shall also be inspected and must be approved, as installed, by all regulatory bodies, such as Metropolitan St. Louis Sewer District, St. Louis County Health Department, St. Louis County ~~Department of Highways and Traffic~~[Department of Transportation](#), and Missouri State Highway Department holding jurisdiction by virtue of statute of the State of Missouri.
- (b) All fees and costs connected with such inspections and all costs accruing in the review of the plans and specifications for such improvements shall be paid by the applicant responsible for installing such improvements.
- (c) Before the final plat of the subdivision is approved by the Planning and Zoning Commission, the subdivider shall pay to the City of Kirkwood, as a land subdivision permit fee, an amount as set by the Council by resolution from time to time in order to defray the cost to the City of Kirkwood for processing the subdivision application and making the inspections required during construction.
- (d) The applicant shall pay a filing fee for a subdivision sidewalk waiver (See [§ 25-69\(a\)\(1\)\(xiii\)](#).) in an amount set by the City Council by resolution from time to time where the sidewalk waiver is approved.

§ 25-75. Performance Guarantees for Public Improvements.

- (a) If a subdivider or developer that is required to construct public improvement does not intend to completely construct such improvements prior to the recording of a final plat or the approval of a site plan, as applicable, then the subdivider or developer shall execute performance guarantees with the City prior to approval of a site plan or recording of a final plat. Such performance guarantee shall take any form allowed in [§ 25-75\(i\)](#).
- (b) The performance guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the subdivider or developer, together with all engineering and inspection costs and fees incurred by the City.

(c) Guaranteed Amount

- (1) The performance guarantee shall be in an amount equal to the subdivider or developer's estimated total costs of materials and labor required to install or construct the improvements, as well as any costs for maintenance during the construction period, as approved by the City Engineer.
- (2) Where applicable, engineering, plan review, and construction review fees, etc., shall be required to be a part of the engineers cost estimate.
- (3) The performance guarantee shall guarantee the total required improvements but may be reduced upon written authorization of the City Engineer upon completion of specific improvements provided the released amount does not exceed 75 percent of the estimated cost for the specific improvement or 75 percent of the total initial amount of the performance guarantee. The total amount remaining in the performance guarantee shall continue to guarantee completion of all improvements until completely released in accordance with Subsection (4) below.
- (4) Upon completion of all improvements and final inspection, and approval and acceptance by the City of improvements that will be maintained by the City, the City Engineer may release the remaining 25 percent of the performance guarantee.
- (5) The performance guarantee may be held by the City until the City is provided written certification that improvements that have been constructed meet the standards and have been accepted for maintenance by other agencies such as the Metropolitan Sewer District, Kirkwood Water, Kirkwood Electric, St. Louis County ~~Department of Highways and Traffic~~Department of Transportation, and Missouri State Highway Department.

(d) Subdivision Agreements

- (1) Where the developer or subdivider chooses to post a performance guarantee in lieu of completion of improvements shown on the approved improvement plans prior to the final plat recordation or site plan approval, the subdivider shall be required to enter into a subdivision agreement.
- (2) The subdivision agreement shall be required regardless if the improvements are part of a subdivision or a development approved through the site plan review process.
- (3) The subdivision agreement shall be approved as to content and form by the City Attorney, with confirmation by the City Engineer, prior to approval of the final plat or the final site plan. The City shall provide to the subdivider a sample subdivision agreement during review of the final plat or site plan, as applicable.

(e) The performance guarantee and subdivision agreement shall contain the further condition that should one of the following conditions exist, the City may, at its option, cause all required work to be done and improvements constructed by using the performance guarantee.

- (1) The installation of all required improvements, as called for in these regulations, has not taken place within two years or an alternative time period agreed on in the subdivision agreement with the City, and the subdivider has failed to establish reasonable cause for such delay to the satisfaction of the City Council and thereby to receive a time extension; and/or
- (2) The subdivider has not constructed the required improvements in accordance with the minimum standards specified by these regulations, and the subdivider is unwilling to modify and upgrade said improvements within a six-month time period of notice so as to be in compliance with the provisions of these regulations.

(k) Protection of Streets, Utilities, and Other Installations

- (1)** The developer or subdivider shall provide the City Engineer with a plan for the routing of construction equipment and traffic with the objective of alleviating any need to traverse adjacent off-site residential streets. In exceptional cases, where no reasonable alternative exists or can be provided, construction equipment may be permitted the use of collector streets for a predetermined time period. The contractor shall be permitted to operate only pneumatic-tired equipment over any paved street surfaces and shall be responsible for correction of any damage to street surfaces or public improvements in any manner resulting from the contractor's operation. During the period of use, such streets shall be kept reasonably free of debris, based on periodic inspections by the City and in accordance with approved sedimentation and erosion control measures.
- (2)** The developer or subdivider and their contractors shall protect the pavement against all damage prior to final acceptance of the work including damage created by the contractor's construction equipment and vehicles, as well as general traffic. ~~As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.~~ As soon as concrete pavement curing, joint sawing, and sealing are completed, the contractor shall clean the pavement surface free of all debris, construction materials, and equipment.
- (3)** The developer or subdivider and their contractors shall at all times take proper precautions for the protection of utility lines. The developer or subdivider shall be financially responsible for the repair of any damage to such utility lines.

§ 25-76. General Subdivision Design Standards.

(a) General

In the design of each subdivision, or portion thereof, the subdivider shall conform to the principles and standards of land subdivision that will encourage good development patterns as set out in this article. Subdivisions shall provide for the coordinated development of adjacent parcels of property.

(b) Traffic Control Devices

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Manual of Uniform Traffic Control Devices (MUTCD), most recent edition, for details of the devices to be used, and, in some cases, warrants for their use.

(c) Debris and Waste

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the final inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

(d) Environmental Protection and Common Ground

- (1)** In the subdividing of any land within the City of Kirkwood, due regard shall be shown for all-natural features, such as tree growth, watercourses, or other similar elements which, if preserved, would add attractiveness to the proposed development.
- (2)** The subdivision shall be designed to minimize development in any floodplain or floodway as defined by FEMA. The platting of lots for residential occupancy in a 100-year floodplain shall be discouraged unless the subdivider can document that any habitable structure shall be located outside the 100-year floodplain.

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- (9) Alleys shall be prohibited in residential areas but may be included in commercial and industrial areas, when approved by the Planning and Zoning Commission where needed for loading, unloading, or access purposes for the public benefit.
 - (10) Reserved strips controlling access to streets shall be prohibited.
 - (11) Gated communities and other residential developments where a gate or other barrier are placed across a road that is designed to appear or that function as walled-off area are discouraged but may be approved as part of a subdivision modification approval (See [§ 25-27\(i\)](#).) if in compliance with the following:
 - (i) Gates or barriers may only be considered for subdivisions with private streets.
 - (ii) Gates and barriers may not extend across public sidewalks, where required, and the public shall have access to the public sidewalks.
 - (iii) The subdivision modification approval must include provisions for 24-hour access by emergency services (e.g., fire, police, emergency medical services, etc.).
 - (12) A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
 - (13) Approval shall not be given for streets within a subdivision that would be subject to flooding. All public streets must be located at elevations that will make them flood-free, in order that no portion of the subdivision would become isolated by floods.
 - (14) In the interest of public safety, and as a matter of policy, all points of ingress and egress shall be located as far as possible from the intersection of two or more major streets or highways.
 - (15) In considering the design of all streets and thoroughfares, including any sidewalks, trails, and other street elements within the right-of-way, the City may consider recommendations and best practices from the National Association of City Transportation Officials (NACTO), the American Society of State Highway and Transportation Officials (AASHTO), the Federal Highway Administration (FHWA), and other similar organizations.
- (b) **Street Names, Signs, and Numbering**
- (1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the City of Kirkwood and in St. Louis County irrespective of modifying terms such as street, avenue, boulevard, etc.
 - (2) Streets that are or will eventually be continuations of existing or platted streets shall be named the same.
 - (3) Street names shall be included on the preliminary plat and final plat.
 - (4) **Reflectorized s**Street name signs shall be erected at all street intersections on diagonally opposite corners so that they normally will be on the right-hand side of the intersection for traffic on the more heavily traveled street. Signs indicating both streets should be erected at each location mounted as close to the corner as practical, facing traffic on the cross street, with the nearest portion of each sign not less than one foot nor more than five feet back of the curb line.
 - (5) The design, materials of construction and method of installation of street name signs shall conform to the current standard employed by the City of Kirkwood Public Services Department for such work at the time of installation.
 - (6) Address numbers shall be assigned by the City in accordance with the current numbering system.

TABLE 81-1: MINIMUM PAVEMENT AND RIGHT-OF-WAY WIDTHS FOR PUBLIC STREETS		
Street Type	Right-of-Way Width	Minimum Pavement Width [1]
Major Street	80 feet	50 feet
Collector – Residential	60 feet	36 feet
Collector – Nonresidential	80 feet	50 feet
Minor/Local – Residential	50 feet [2]	26 feet
Minor/Local – Nonresidential	60 feet	38 feet

NOTES:
 [1] As measured from the back of the curbs. See also [§ 25-81\(c\)\(1\)\(xi\)](#), below for additional width requirements for on-street parking.
 [2] For cul-de-sac streets serving less than nine single-family dwellings, including corner lots, the right-of-way width may be reduced to 40 feet, with additional easements as required, for the purpose of reducing site grading.

- (x) Where parkways or special types of streets are proposed, the Planning and Zoning Commission and City Council may modify the standards in the design of such parkways and streets to be followed in the design of such parkways or streets.
- (xi) A parking lane at least eight feet wide on one or both sides of the street and paved in accordance with the current specifications may be required by the City Engineer, and such requirement may be in addition to the necessary number of lanes for moving traffic.
- (xii) [Table 81-2](#) establishes the minimum standards for the horizontal visibility on curved streets, vertical visibility on all streets, and horizontal curvature radius on all streets as maintained and measured along the center line.

TABLE 81-2: VISIBILITY AND CURVATURE STANDARDS	
Major Street	500 Feet
Collector – Residential	300 Feet
Collector – Nonresidential	300 Feet
Minor/Local – Residential	150 Feet
Minor/Local – Nonresidential	150 Feet

- (xiii) The pavement shall be constructed of portland cement concrete or asphaltic concrete in accordance with the standard specifications of the ~~Department of Highways and Traffic~~ [Department of Transportation](#) of St. Louis County, Missouri, except as amended herein. Design characteristics shall be at least equal to that established in [Table 81-3](#).

TABLE 81-3: MINIMUM CONSTRUCTION REQUIREMENTS			
	Major Street	Collector Street	Minor/Local Street
Concrete Pavement [1]			
Concrete Thickness	8 inches	8 inches	7 inches
Rolled Stone Base [2]	<u>4-7-6</u> inches	<u>4-7-6</u> inches	<u>6-7-6</u> inches
NOTES: [1] <u>Pavement shall consist of 7.27 sack (684 pounds) Type I/II Portland cement per cubic yard; Grade C Meramec gravel; and Class A Meramec sand. At the time of placement, the slump shall be no more than four inches and the entrained air shall be between five and eight percent. No calcium chloride accelerating admixture shall be added to the concrete. The minimum 28-day compressive strength shall be 4,500 psi.</u> Concrete pavement shall consist of portland cement concrete consisting of 6 1/4 sacks of cement per cubic yard with a maximum slump of four inches. All concrete shall be air-entrained with an air content of 4% to 6%. No calcium shall be added to the mix. [2] The rolled stone base shall be constructed of two-inch clean crushed stone.			
Asphaltic Concrete			
<u>Type "C" Bituminous Concrete (Pavement) Surface Course</u>	2 inches	2 inches	2 inches
<u>Type "X" Bituminous Concrete (Base) [3] [4] [5]</u> <u>Asphaltic Concrete Base</u>	10 inches	10 inches	8 inches
Rolled Stone Base	<u>06</u> inches	<u>06</u> inches	<u>06</u> inches
NOTES: [3] <u>If drainable base not applied, then a 4-inch thick Type 5 Aggregate Base shall be used in all Asphaltic concrete cases.</u> [4] <u>Prime over aggregate base shall be an MC-30 cutback applied at a rate of 0.30 gallons per square yard</u> [5] <u>Tack applied between lifts of asphalt shall be SS-1h emulsion applied at a rate of 0.10 gallons per square yard.</u>			

(xiv) Transverse under drains shall be required under street pavement at all sags, low points, or other locations that contain a stormwater inlet adjacent to the street pavement.

(2) Street Grades

- (i) All changes in grade shall be connected by vertical curves to provide a smooth transition and the required sight distance.
- (ii) Between reversed curves on major streets, there shall be a tangent of not less than 100 feet, and on collector and minor streets, such tangent shall be not less than 40 feet.
- (iii) Maximum grades for streets shall be as follows:
 - a. Major streets shall not have a grade greater than six percent.
 - b. Collector streets shall not have a grade greater than 10 percent.

Museum

A building, place, or institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value. This shall include places where children learn through exhibits designed for play or exploration.

Neighborhood Context

The three houses on either side of the subject property and seven houses across the street on the same block.

Net Site Area

The total area of a lot being developed as a single or unified development, less areas to be dedicated for public use.

Nonconforming Site Condition

A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code.

Nonconformity, Legal

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for "use, nonconforming," "lot, nonconforming," "building, nonconforming," "nonconforming site condition," and "structure, nonconforming."

Nursery Schools or Day Care Centers (Children or Adults)

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers, and facilities accessory to institutional uses. This term may also include adult day care centers where persons other than children, family members, or guardians care for adults for a portion of a 24-hour day in a building other than the adult's home.

Nursing Home

A private home, institution, building, or residence that provides skilled nursing care from a registered nurse or licensed practical nurse, under the direction of a licensed physician, for three or more individuals not related to the operator. A nursing home may accommodate convalescent or other persons who are not acutely ill and not in need of hospital care.

Occupant

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

Office, General

Offices for accountants, bookkeepers, architects, engineers, financial consultants, tax preparers, insurance salespersons, lawyers, real estate agents, real estate appraisers, etc. This definition shall not include medical or dental facilities.

Off-Site Parking

Off-street parking that is accessory to a principal use that is located on a separate lot from the principal use.

On-Site Parking

Off-street parking that is accessory to a principal use that is located on the same lot as the principal use.